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NOTES ON ROLL 13

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The first volume contains the minutes of the Court from April 22, 1878, to March 4, 1879; the second, from March 4 to December 12, 1879; and the third, from December 15, 1879, to October 20, 1880.

VOLUME

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245	The City of San Antonio vs. J. C. Barnes	In Error to the Circuit Court of the United States for the Western District of Texas.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Western District of Texas, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court, in this cause, be, and the same is hereby, affirmed with costs and interest, until paid, at the same rate per annum that similar judgments bear in the Courts of the State of Texas.

Per Mr. Justice Swayne

250	Ellen J. Garfield, and George M. Wheeler vs. Sherman Paris, Marshall J. Allen, George H. Allen & Augustus S. Pyatt	In Error to the Circuit Court of the United States for the Eastern District of Michigan.

This cause came on to be heard on the tran-

script of the record from the Circuit Court of the United States for the Eastern District of Michigan, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause, be, and the same is hereby, affirmed with costs and interest, until paid, at the same rate per annum that similar judgments bear in the Courts of the State of Michigan.

Per Mr Justice Clifford.

246	Benjamin A. Risher vs. James R. Smith and George Taylor	Appeal from the Supreme Court of the District of Columbia

This cause came on to be heard on the transcript of the record from the Supreme Court of the District of Columbia, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Supreme Court, in this cause, be, and

the same is hereby, reversed; And that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceeding to be had therein in conformity with the opinion of this Court. Costs in this Court to be paid by the appellee Smith.

per Mr. Chief Justice Waite

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867. Adelia Hill vs. Plff in Error. The Iowa Hill Canal Company. | In Error to the Supreme Court of the State of California.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of California, and on the motion of Mr. A. A. Sargent, of counsel for the defendant in error, to dismiss which was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed for the want of jurisdiction.

per Mr. Chief Justice Waite

	Wm. S. Lincoln et al	On consideration of
465-	vs. } In Error	the motion for a new
	George S. Abrams-	writ of error bond in
		this cause, It is now

here ordered by the Court that said motion be, and the same is hereby, denied.

per Mr. Chief Justice Waite

	The United States	Appeal from the Cir-
431-	vs. Appellant	cuit Court of the United
	Benjamin Flint,	States for the District
	Thomas Flint, L. Bixby,	of California.
	Jas. Irvine & W. T. Gaskell.	

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of California, and on the motion of Mr. Solicitor General Phillips, of counsel for the appellant, It is now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed.

per Mr. Chief Justice Waite

The United States 451. vs. Appellant Samuel K. Throckmorton et al.	Mr. Solicitor General Phillips moved the Court for leave to submit this cause on printed arguments. Whereupon it is now here ordered by the Court that said motion be, and the same is hereby, denied.

per Mr. Chief Justice Waite.

The Indianapolis & St. Louis R.R. Co. 896. vs. Appellant Jas. L. Vance, Collector &c. and The Indianapolis & St. Louis R.R. Co. 897. vs. Appellant Jas. L. Vance, Collector &c.	On consideration of the motion for an order that the amount paid by appellees for printing the records in these cases be taxed as costs against the appellants,

It is now here ordered by the Court that said motion be, and the same is hereby, granted.

Order

There having been an Associate Justice of this Court appointed since the commencement of this term, It is ordered that the following allotment be made of the Chief Justice and Associate Justices of said Court among the Circuits agreeably to the act of Congress in such case made and provided, and that such allotment be entered of record, viz:

For the First Circuit, Nathan Clifford, Associate Justice
For the Second Circuit, S. and Hunt, Associate Justice
For the Third Circuit, William Strong, Associate Justice
For the Tenth Circuit, Morrison R. Waite, Chief Justice
For the Fifth Circuit, Jos. P. Bradley, Associate Justice
For the Sixth Circuit, Noah H. Swayne, Associate Justice
For the Seventh Circuit, John M. Harlan, Associate Justice
For the Eighth Circuit, Sam. F. Miller, Associate Justice
For the Ninth Circuit Stephen J. Field, Associate Justice

The Buffalo & Jamestown R.R. Co. et al.
No. vs. Affs in Error
Patrick Falconer et al.
and
The Buffalo & Jamestown R.R. Co.
1,054. vs. Affs in Error
Walter J. Meeks et al.

The motion to dismiss these cases was submitted to the consideration of the Court on printed arguments by Mr. R. P. Marvin in support of the same and by Mr. R. T. Merrick in opposition thereto.

The 1st National Bank of Cincinnati
182. vs. Appellant
Thos. Cook et al, trustees &c.

Mr. Hoadley filed and submitted to the consideration of the Court motion for leave to the Clerk to issue the Mandate in this cause. Whereupon it is ordered that said motion be, and the same is hereby, postponed until Monday next, the 29th instant.

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809. W. J. Hunnicutt et al vs. Peyton et al. | Mr. R. Phillips, of counsel for the defendants in error, having filed and read in open court a suggestion of a diminution of the record in this cause, in that the following papers, to wit:

1st The direct interrogatories propounded to Horatio Chiesman, as well as the cross-interrogatories and the answers thereto.

2d. The map of Falls County referred to in the deposition of said Chiesman.

3d. The lease from Mrs. A. B. Eberle to James Marlin, referred to in the charge of the Court to the jury as executed in 1857.

4th. The map which was annexed to the grant made to Jonathan Peyton and referred to therein - are omitted from the record in this cause - By reason of which omissions and errors aforesaid the said counsel now here moved the Court to award a writ of Certiorari to be directed to the Judges of the Circuit Court of the United States for the Western District of Texas commanding them

that searching the records and proceedings of said Court in this cause they shall certify to this Court under the seal of said Circuit Court whatever omissions and errors shall be found to the extent above enumerated - On consideration whereof, It is now here ordered by this Court that a Writ of Certiorari issue, and the same is hereby awarded, to be issued forthwith and to be directed to the Judges of the Circuit Court of the United States for the Western District of Texas, commanding them that searching the records and proceedings aforesaid they forthwith certify to this Court under the seal of the said Circuit Court whatever omissions and errors shall be found in this cause to the extent above enumerated and return the same with the said Writ of Certiorari forthwith to this Court.

Per Mr. Chief Justice Waite

Jno. L. Phipps et al
100 of 1876 vs. Appellants.
John Sedgwick et al Appellees.
And
Barker Hall et al
101 of 1876 vs. Appellants
John Sedgwick et al Appellees.

The motion to recall the mandate and reform the decree in these causes was argued by Mr. J.H. Ashton, in support of the same, and by Mr. H.H. Bingo, in opposition thereto. Whereupon this Court not being now sufficiently advised of and concerning what order to render in the premises took time to consider.

Rodolph Meriam et al
103 vs. Appellants
Wm. Butler Duncan et al.

On motion of Mr. George Hoadley, leave is hereby granted him to file briefs in this cause.

Morris Ketchum et al.
879. vs. Appellants
Wm. Butler Duncan et al.
and
Wm. A. Hays et al.
1057. vs. Appellants
Morris Ketchum et al.

On motion of Mr. J. J. McKinney, leave is hereby granted him to file brief in these cases.

The Milligan & Higgins Glue Company
272. vs. Appellant
George Upton.

The argument of this cause was continued by Mr. Edmund Wetmore, of counsel for the appellant. The Court declined to hear further argument in the cause.

Morris Ketchum et al.
879. vs. Appellants.
Wm. Butler Duncan et al
and
Wm. A. Hays et al.
1057. vs. Appellants
Morris Ketchum et al.

The argument of these cases was commenced by Mr. George Hoadley, of counsel for the appellants in No. 879 and the appellees in No. 1057.

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Tuesday, April 23d, 1878.

Pursuant to adjournment the Court met to-day at the Capitol.

Present.

The Honorable Morrison R. Waite, Chief Justice

Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
Ward Hunt
John M. Harlan

Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Kesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Jno. J. McKinnon, it is ordered that Chas. A. Knox, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

Henry A. Fennell, Asa Fennell, 2d & Samuel Hall Jr.
676 vs. Appellants
Chas. S. Bradley, Chas. K. Chapman, & George M. Barnard, Assignees of the Boston, Hartford & Erie Railway Company.

Appeal from the Circuit Court of the United States for the District of Massachusetts.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Massachusetts, and on the stipulation of counsel on file and motion of Mr. J.J. Storrow, of counsel for the appellees, It is now here ordered, adjudged and decreed by this Court that the decree of the said Circuit Court, in this cause be, and the same is hereby, affirmed. Each party paying their own costs in this court.

per Mr. Chief Justice Waite.

6/6 Henry N. Farwell et al vs. Chas. S. Bradley et al. Appellants

On motion of Mr. J. J. Horton leave is hereby granted the Clerk to issue the Mandate in this cause.

6/12 The Silver York Gold Mining and Water Co. (limited) et al vs. James H. Keyes. Plaintiffs in Error

On motion of Mr. McClain leave is hereby granted the Clerk to issue the Mandate in this cause.

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6 original. Ex parte: A. Orlando Jackson Petitioner

and

7 original. Ex parte: Wm. Schollenberger et al. Petitioners.

Ordered that the argument on the return to rule and in support of the respective petitions in these causes be postponed until Monday next the 29th inst.

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879. Morris Kelchum et al. vs. Appellants Wm. Butler Duncan et al. And

1057. Wm. H. Hays et al. vs. Appellants Morris Kelchum et al.

The argument of these causes was continued by Mr. George Hoadley, of counsel for the appellants in No. 879 and appellees in No. 1057. by Mr. F. T. Bunge and Mr. Jno. A. Campbell, for the appellees in No. 879 and appellants in No. 1057. and by Mr. E. L. Andrews for the appellants in No. 879 and appellees in No. 1057.

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock M.

Wednesday, April 24th, 1878.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Morrison R. Waite, Chief Justice

Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
Ward Hunt
John M. Harlan

Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. A. B. James it is ordered that Leslie H. Russell, Esquire, of Canton, State of New York, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

Thursday, April 24th, 1873, Continued.

879. Morris Ketchum et al vs. Appellants Wm. Butler Duncan et al. And

1057. Wm. H. Hays et al vs. Appellants Morris Ketchum et al.

The argument of these cases was concluded by Mr. E. L. Andrews, of counsel for the appellants in No. 879 and the appellees in No. 1057.

1037. Rodolph Merian et al. vs. Appellants Wm. Butler Duncan et al.

The argument of this cause was commenced by Mr. E. L. Andrews, of counsel for the appellants, and continued by Mr. C. F. Southmayd, for the appellees.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock M.

Thursday, April 25th, 1878.

Pursuant to adjournment the Court met to day at the Capitol.

Present

The Honorable Morrison R. Waite, Chief Justice

Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
Ward Hunt
John M. Harlan

} Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. F. N. Bangs, it is ordered that John N. Little, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. T. Cullenden it is ordered that Wm. H. Babcock, Esquire, of Washington City, District of Columbia, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. P. Phillips, it is ordered that Erastus Thatcher, Esquire, of Ann Arbor, State of Michigan, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. C. K. Moulton it is ordered that William R. Walker, Esquire, of St. Louis, State of Missouri, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

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506 The United States vs. Walter Pugh. Appellant

On motion of Mr. Ass't Att'y. General Smith leave is hereby granted him to file brief in this cause.

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118. Wm. F. Drake
vs. Kiffin in Error.
The Exchange & Deposit Bank of Knoxville.

On motion of Mr. S. F. Phillips, leave is hereby granted the Clerk to issue the Mandate in this cause.

1,037. Rodolph Merion et al
vs. Appellants
Wm. Butler Duncan et al

The argument of this cause was continued by Mr. C. F. Southmayd, Mr. Jno. A. Campbell, and Mr. W. H. C. Humes, for the appellees, and concluded by Mr. Geo. Hoadley, for the appellants.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Friday, April 10th, 1878.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Morrison R. Waite, Chief Justice.

Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
Ward Hunt
John M. Harlan
} Associate Justices

John G. Nicolay, Esquire, Marshal.
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened.

On the application of Amaziah B. James, Esquire, of Ogdensburgh, State of New York, it appearing to the Court that he was in February, A.D. 1846, duly admitted as an attorney and counsellor of this Court, It is ordered that his name be placed upon the roll of attorneys and counsellors of this Court nunc pro tunc.

On motion first made to the Court in this behalf by Mr. Joseph Casey, it is ordered that John Hays, Esquire, of Carlisle, State of Pennsylvania, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. W. H. Smith it is ordered that Andrew K. Dunn, Esquire, of Mount Gilead, State of Ohio, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

1053 The United States vs. Appellant / James Driscoll. | The argument of this cause was commenced by Mr. Solicitor General Phillips, of counsel for the appellant, continued by Mr. Thomas J. Durant and Mr. Joseph Casey, of counsel for the appellee, and concluded by Mr. Solicitor General Phillips, for the appellant.

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311. John H. Martin vs. The Hazard Powder Company. | In Error to the Supreme Court of the Territory of Colorado.

This cause came on to be heard on the transcript of the record from the Supreme Court of the Territory of Colorado, and on the authority of the plaintiff in error on file and motion of Mr. H. C. Alleman, of counsel for the plaintiff in error, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed with costs; and that this cause be, and the same is hereby, remanded to the Circuit Court of the United States for the District of Colorado.

Per Mr. Chief Justice Waite

275. The Delaware Mutual Safety Insurance Company vs. Jno. H. Gossler et al. | In Error. This cause was submitted to the consideration of the Court on the record and printed

arguments by Mr. Chas. M. Reed and Mr. W. G. Russell, of counsel for the plaintiff in error, and by Mr. Chas. A. Welch, for the defendants in error.

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273. Chas. L. Hayward vs. The Eliot National Bank

Appellant

The argument of this cause was commenced by Mr. Jonathan F. Barrett, of counsel for the appellant, and continued by Mr. A. A. Ranney, for the appellee.

Proclamation being made the Court is adjourned until Monday next at twelve o'clock.

Monday, May 29th, 1876.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Morrison R. Waite, Chief Justice

Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
Ward Hunt
John M. Harlan
} Associate Justices,

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Hon. Stanley Matthews, it is ordered that Abram L. Demoss, Esquire, of Nashville, State of Tennessee, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

Monday, April 29th, 1878, Continued

On motion first made to the Court in this behalf by Mr. D. T. Corbin, it is ordered that A. J. Dittenhoefer and L. F. Post, Esquires, of New York City be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

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263 George M. Wheeler vs. Plff in Error / The Union National Bank of Pittsburgh, Pennsylvania. | In Error to the Superior Court of the City and County of New York.

This cause came on to be heard on the transcript of the record from the Superior Court of the City and County of New York, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Superior Court, in this cause, be, and the same is hereby, affirmed with costs and interest, until paid, at the same rate per annum that similar judgments bear in the Courts of the State of New York.

per Mr. Justice Harlan

	The Laflin & Rand Powder Company vs. Plff in Error Gottlieb F. Burkhardt.	In Error to the Circuit Court of the United States for the District of Massachusetts.

Mot-

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Massachusetts, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court, in this cause, be, and the same is hereby, affirmed with costs.

per Mr Justice Hunt.

170	The New York Life Insurance Company vs. Plff in Error John H. Eggleston and T. H. Eggleston, Admrs of Louisa M. Wynne, dec'd, & Thomas L. Eggleston.	In Error to the District Court of the United States for the Northern District of Mississippi.

This cause came on to be heard on the

transcript of the record from the District Court of the United States for the Northern District of Mississippi, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said District Court, in this cause, be, and the same is hereby, affirmed with costs and interest, until paid, at the same rate per annum that similar judgments bear in the Courts of the State of Mississippi.

Per Mr. Justice Bradley

Charles E. Grant, Assignee of John S. Miller, a bankrupt.
vs. Appellant
The First National Bank of Monmouth, Illinois, John J. Glenn, B. F. Hubbard, and John S. Miller.

Appeal from the Circuit Court of the United States for the Northern District of Illinois.

211

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Northern District

of Illinois, and was argued by Counsel -
On consideration whereof, It is now here
ordered, adjudged, and decreed by this Court
that the decree of the said Circuit Court in
this cause, be, and the same is hereby,
affirmed with costs.

Per Mr. Justice Bradley

Rebecca Meisler Executrix
of Bernard L. Meisler, dec'd.
260. vs. In Error
Robert C. Moore, John A. Moore,
Christian Siebert, Jno. Siebert,
Peter Keil, Andrew Carnegie, Geo.
Kloman, And.w Kloman, Thos. M.
Carnegie, Benj.a Darlington,
The Keystone Bridge Co., and The
Allegheny, Cemetery -

In Error to the
Circuit Court
of the United
States for the
Western Dis-
trict of Penn-
sylvania.

This cause came on to be heard on the tran-
script of the record from the Circuit Court
of the United States for the Western District
of Pennsylvania, and was argued by counsel -
On consideration whereof, It is now here
ordered and adjudged by this Court that

the judgment of the said Circuit Court, in this cause, be, and the same is hereby, reversed with costs; And that this cause be, and the same is hereby, remanded to the said Circuit Court with directions to award a new trial.

Per Mr. Justice Strong.

261. Rebecca Meister, Executrix of Bernard L. Meister, dec'd. vs. Plff in Error
F. D. Bisbell, Joseph Kaufman, Simon Kaufman, and Moses Oppenheimer.

In Error to the Circuit Court of the United States for the Western District of Pennsylvania.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Western District of Pennsylvania, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause, be, and the same is hereby, reversed with costs; And that this cause

be, and the same is hereby, remanded to the said Circuit Court with directions to award a new trial.

Per Mr. Justice Strong.

The Maine Central Railroad Company.	In Error to the Supreme Judicial Court of the State of Maine.
953. vs.	
The State of Maine.	

This cause came on to be heard on the transcript of the record from the Supreme Judicial Court of the State of Maine, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Judicial Court, in this cause, be, and the same is hereby, affirmed with costs and interest, until paid, at the same rate per annum that similar judgments bear in the Courts of the State of Maine.

Per Mr. Justice Field.

Dissenting:
Mr. Justice Strong.

	Edwin Walker	In Error to the Circuit Court
214	vs. Plff in Error	of the United States for the
	Willard Johnson	Northern District of Illinois.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Northern District of Illinois, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court, in this cause, be, and the same is hereby, affirmed with costs and interest, until paid, at the same rate per annum that similar judgments bear in the Courts of the State of Illinois.

per Mr. Justice Miller.

	William G. Hyndman	Appeal from the
252	vs. Appellant	Circuit Court of
	Philander H. Roots and	the United States
	Francis M. Roots	for the Southern
		District of Ohio.

This cause came on to be heard on the transcript of the record from the Circuit

Court of the United States for the Southern District of Ohio, and was argued by Counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Swayne.

259. James L. McLean vs. Cochran Fleming — Appellant — Appeal from the Circuit Court of the United States for the Eastern District of Missouri.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Missouri, and was argued by Counsel. On consideration whereof, it is now here ordered, adjudged, and decreed by this Court that so much of the decree of the said Circuit Court in this cause as relates to the injunction and costs in the said Circuit Court be, and the same is hereby, affirmed; and that so much of the decree as orders an account

and allowance for gains and profits and for the amount of the same specified in the decree below, and the same is hereby reversed with costs in this Court to the appellant; and that this cause be, and the same is hereby, remanded to the said Circuit Court with directions to enter a decree in conformity with the opinion of this Court.

Per Mr. Justice Clifford-

986- The Buffalo & Jamestown Railroad Company et al. vs. Riffin in Error Patrick Fuleomer et al.

And

1059- The Buffalo & Jamestown Railroad Company. vs. Riffin in Error Walter J. Meeks et al.

On consideration of the motion to dismiss these causes and of the argument of counsel thereupon had, as well in support of, as against the same, It is now here ordered by the Court that said motion be, and the same is hereby, denied-

Per Mr. Chief Justice Waite

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506 The United States vs Appellant Walter Pugh. | On further consideration of the motion to remand this cause to the Court of Claims for additional findings, it is ordered that said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Waite.

736 Edwin C. Litchfield vs. Appellant Hamilton County, Ohio. | The motion for an injunction in this cause was argued by Mr. George G. Wright in support of the same.

1006 Chas. T. Cromwell vs. Plff in Error The County of Saac. | On motion of Mr. Geo. G. Wright, leave is hereby granted the Clerk to issue the Mandate in these cases.

And

1023 The County of Saac. vs. Plff in Error Chas. T. Cromwell.

757 J. Henry Rives, Collector &c. vs. Plff in Error Nicholas H. Page, Executor | Mr. Asst Atto. Genl Smith filed and submitted to the

consideration of the Court motion to advance this cause.

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182 The 1st Nat'l Bank of Cincinnati vs. Appellant
Thos. Cook et al, Trustees

On motion of Mr. A. P. Morse, leave is hereby granted the Clerk to issue the Mandate in this cause.

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238 Richard P. Morgan Jr. vs. Appellant
The Chicago & Alton R.R. Co.

On motion of Mr. Ekin, leave is hereby granted the Clerk to issue the Mandate in this cause.

1141 Thomas S. Robbins & Co. Spurck vs. Plff's in Error
The United States

1142 Same vs. Same

1143 Same vs. Same

1144 Same vs. Same

On motion of Mr. Asst Atty Genl Smith, it is ordered that the National Republican newspaper at the seat of government be, and the same is hereby, designated as the paper in which the order of publication entered

in these cases on the 9th of November shall be published instead of the National Union as provided in said order said National Union being now extinct.

Thomas Griffith and Francis Hedge	Appeal from the Circuit Court of the United States for the Southern District of Ohio.
281. vs. Appellants	
Henry S. Handy and Frederick J. L. Handy.	

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of Ohio, and on the stipulation of counsel on file and motion of Mr. James Moore, of counsel for the appellants, it is now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed with costs.

Per Mr. Chief Justice Waite

---

281 Thomas Griffith val. vs. Appellants Henry Blandy val.

On motion of Mr. Jas. Moore leave is hereby granted the Clerk to issue the Mandate in this cause.

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938 The Steamship "Benefactor" vs. Appellants, Wm. H. Mount et al.

Mr. J. H. Ashton called up the motion to strike from the record the bill of exceptions in this cause. Thereupon the Court declined to hear argument on said motions.

---

273 Chas. L. Hayward vs. Appellant The Citizens National Bank.

The argument of this cause was continued by Mr. A. A. Ramsey, of counsel for the appellee, and concluded by Mr. E. F. Hodges, for the appellant.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Tuesday, April 30th, 1878.

Pursuant to adjournment the Court met to-day at the Capitol.

Present.

The Honorable Morrison R. Waite, Chief Justice

Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
Ward Hunt
John M. Harlan
} Associate Justices.

John F. Nicolay, Esquire, Marshal
Daniel Kesley Middleton, Clerk.

Proclamation being made the Court is opened

On motion first made to the Court in this behalf by Mr. Assistant Attorney General Smith, it is ordered that Frank Morison, Esquire, of Boston, State of Massachusetts, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

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847 John H. Brooks et al. vs. The Burlington & South western Railway Co. et al. Appellants

On the stipulation of counsel on file it is ordered that the parties have leave to withdraw from the files of this Court the transcript of the record in this cause.

Ex parte Wm. Schollenberger & Wm. Schollenberger Jr. Petitioners

7. Original

The argument of this cause was commenced by Mr. R. C. McMurtrie, of counsel for the petitioners, continued by Mr. Richard P. White, of counsel for the respondents, and concluded by Mr. A. Sidney Biddle for the petitioners.

Ex parte: A. Orlando Jackson Petitioners

6. Original.

This cause was argued by Mr. A. J. Dittenhoefer, of counsel for the petitioner, and by Mr. Asst Atty General Smith for the United States.

Tuesday, April 30th, 1878, continued.

277. The Boston Beer Co, Claimt &c. vs. Piff in Error
The Commonwealth of Massachusetts.

This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. H. H. Paine and Mr. F. O. Prince, of counsel for the plaintiff in error, and by Mr. Chas. R. Train, for the defendant in error. Leave granted, counsel for plff in error to file reply brief, by Friday, May 3d.

278. The United States vs. Plaintiff, Aaron Van Auken.

The argument of this cause was commenced by Mr. Ass't Atty Gen'l Smith, of counsel for the plaintiff.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Wednesday, May 1, 1878.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Morrison R. Waite, Chief Justice

Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
Ward Hunt
John M. Harlan

} Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Kelley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Hon. Geo. G. Wright, it is ordered that James C. Dewey, Esquire of Albany, State of New York, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

236	Edwin C. Litchfield vs. Hamilton Co. et al.	Appellant	On consideration of the motion for an injunction in this cause, it is now here ordered by the Court that said motion be, and the same is hereby, denied.

288	Emerson G. Crice vs. Nathan Powell	Appellant	On motion of Mr. B. F. Butler it is ordered that this cause be not called at this term.

278	The United States vs. Aaron Van Auken	Plaintiffs	The argument of this cause was continued by Mr. Geo. H. Lawton, of counsel for the defendant, and concluded by Mr. Attorney General Devens, of counsel for the plaintiffs.

254	Luther A. Fillon et al. vs. The United States	Plffs in Error	This cause was submitted to the consideration of the Court on the record by Mr. Benj. Dean, of counsel for the plaintiffs in error, and on printed argu-

ment by Mr. Asst Atty Genl Smith, of counsel for the defendant in error.

Ida K. Brine by her guardian Geo. W. Brine.
vs. Appellant,
The Hartford Fire Ins. Co.
279

This cause was argued by Mr. M. H. Fuller, of counsel for the appellant, and by Mr. Edward S. Isham, of counsel for the appellee.

Geo. E. Mattingly et al.
vs. Appellants
The District of Columbia et al.
And
The 1st National Bank of the City of New York et al.
vs. Appellants
Abner C. Shoemaker.
62
531

The argument of this cause was commenced by Mr. A. G. Riddle, of counsel for the appellees in No. 62, and for the appellants in No. 531.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Thursday May 2d 1878

Pursuant to adjournment the Court met to day at the Capitol.

Present

The Honorable Morrison R. Waite, Chief Justice

Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
Ward Hunt
John M. Harlan
} Associate Justices

John G. Nicolay, Esquire Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. R. T. Merrick it is ordered that Porter Sheldon, Esquire, of Jamestown, State of New York, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

Thursday, May 2d, 1878, Continued.

Geo. E. Hattingly et al
62 vs. Appellants
The Dist. of Columbia et al
and
The 1st National Bank of
the City of New York
531 vs. Appellants
Abner C. Shoemaker

The argument of these cases was continued by Mr. A. G. Riddle, of counsel for the appellees in No. 62, & appellants in No. 531; by Mr. T. A. Lambert for the appellants in No. 62 and appellee in No. 531; by Mr. H. A. Cook and Mr. Hallet S. Cox, for the appellees in No. 62, and appellants in No. 531; and concluded by Mr. A. T. Merrick for the appellants in No. 62.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Friday, May 3rd, 1878

Pursuant to adjournment the Court met this day at the Capitol.

Present

The Honorable Morrison R. Waite, Chief Justice

Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
Ward Hunt
John M. Harlan
} Associate Justices

John G. Nicolay, Esquire, Marshal.
David Kelley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Benjamin Rush Esquire, it is ordered that Samuel H. Clifford Junior, of Boston, State of Massachusetts, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

Hamilton & Daniel
L. Bates
280 vs. Appellants
C.H. Coe

This cause was argued by Mr. Jas. Moore, of counsel for the appellants, and by Mr. E.E. Hood for the appellee.

The New Jersey Zinc Co.
282 vs. Appellant
Samuel Wetherill et al.

Samuel Wetherill et al.
283 vs. Appellants
The New Jersey Zinc Co.

The New Jersey Zinc Co.
284 vs. Appellant
Samuel Wetherill et al.

Samuel Wetherill et al.
285 vs. Appellants
The New Jersey Zinc Co.

On the stipulations of counsel on file it is ordered by the Court that these cases be, and the same are hereby continued until the next term.

Lorenzo Allis
286 vs. Appellant
The Northwestern Mutual Life Ins. Co.

This cause was argued by Mr. R.G. Hooker, of counsel for the appellee, and submitted on printed argument

by Mr. H. J. Horn for the appellant.

The 1st National Bank of Omaha
vs. Appellant
The City of Omaha et al

187

This cause was submitted to the consideration of the Court on the record and printed argument by Mr. J. M. Woolworth, of counsel for the appellant, & to counsel appearing for the appellees.

Proclamation being made the Court is adjourned until Monday next at twelve o'clock.

Monday, March 6th, 1876

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Morrison R. Waite, Chief Justice

Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
Joseph P. Bradley
John M. Harlan.

} Associate Justices.

John G. Nicolay, Esquire, Marshal
Daniel Chesley Middleton, Clerk

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. F. Phillips it is ordered that William Reineke, Esquire of Louisville, State of Kentucky, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Solicitor General Phillips it is ordered that Charles P. Wise, Esquire, of Alton, State of Illinois, be admitted to practice as an attorney

and counsellor of this Court and he was sworn accordingly.

The County of Warren	In Error to the Circuit
253 vs. Jeffin Error	Court of the United
George C. Marsh.	States for the Northern
	District of Illinois.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Northern District of Illinois, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be, and the same is hereby, affirmed with costs and interest until paid, at the same rate per annum that similar judgments bear in the Courts of the State of Illinois.

Per Mr. Justice Bradley

Dissenting:
Mr. Justice Harlan
" " Miller
" " Field

The County of Warren		In Error to the Circuit
2511	vs.	Court of the United
	Error	States for the Northern
Augustus N. Post		District of Illinois.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Northern District of Illinois, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court, in this cause, be, and the same is hereby, affirmed with costs and interest, until paid, at the same rate per annum that similar judgments bear in the Courts of the State of Illinois.

per Mr. Justice Bradley.

Dissenting;
Mr. Justice Harlan
" " Miller
" " Field.

	The County of Warren	In Error to the Circuit
255	vs. } Pltff in Error	Court of the United States
	The Portsmouth Savings	for the Northern Dis
	Bank.	trict of Illinois.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Northern District of Illinois, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court, in this cause, be, and the same is hereby, affirmed with costs and interest, until paid, at the same rate per annum that similar judgments bear in the Courts of the State of Illinois.

Per Mr. Justice Bradley

Dissenting;
Mr. Justice Harlan
" " Miller
" " Field.

Jno. L. Shipp et al
100 of 1876 vs. Appellants
Jno. Sedgwick & Appellee
and
Baker Hamm et al,
101 of 1876 vs. Appellants
John Sedgwick & Appellee.

On consideration of the motion to recall the mandate and reform the decree entered in these cases, It is ordered that said motion be, and the same is hereby, denied.

per Mr. Justice Miller

Wilson H. Moore and
David Davis.
256 vs. Plffs in Error
Rufus H. Robbins.

In Error to the Supreme Court of the State of Illinois.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Illinois, and was argued by counsel. On consideration whereof, it is now here ordered, adjudged, and decreed by this Court that the decree of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said

Supreme Court for further proceedings to be had therein in conformity with the opinion of this Court.

Per Mr. Justice Miller.

1053.	The United States v. James Driscoll	Appeal from the Court of Claims.

This cause came on to be heard on the transcript of the record from the Court of Claims, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Court of Claims, in this cause, be, and the same is hereby, reversed; And that this cause be, and the same is hereby, remanded to the said Court of Claims with directions to dismiss the petition.

Per Mr. Justice Swayne.

166	Edward H. Ashcroft vs. The Boston & Lowell Railroad Company, Appellant	Appeal from the Circuit Court of the United States for the District of Massachusetts.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Massachusetts, and was argued by counsel. On consideration whereof, it is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court, in this cause, be, and the same is hereby, affirmed with costs.

per Mr. Justice Clifford.

132	John S. Kohlsaat and Charles H. Kohlsaat, Exors of John C. Kohlsaat, deceased. vs. Thomas Murphy, late Collector of Port of New York.	In Error to the Circuit Court of the United States for the Southern District of New York.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of New

York, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court, in this cause, be, and the same is hereby affirmed with costs.

per Mr. Justice Clifford.

William Rudd, Richard Musser and Frederick Musser vs. Chester A. Arthur, Collector of the Port of New York.

5116. In Error to the Circuit Court of the United States for the Southern District of New York.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of New York, and was argued by counsel. On consideration whereof, the Court being equally divided in opinion, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court, in this cause, be, and the same is hereby,

affirmed with costs.

1037 J. Henry Rives, Collr &c
vs. Plffin Error
Nicholas B. Page, Executor

On consideration of the motion to advance this cause, it is ordered that said motion be, and the same is hereby, granted. And that this cause be, and the same is hereby, assigned for argument on the 16th day of October next.

The Richmond Mining Company of Nevada
1038 vs. Appellant
The Eureka Consolidated Mining Co.
1039 Same, Appt, vs. Same
1040 Same Plffin Error vs. Same

On motion of Mr. P. Phillips leave is hereby granted to withdraw from the files the transcripts of records in these cases.

S. G. Stewart et al
vs. Appellants
Solomon, Root & Co.

The motion to vacate the supersedeas in this cause was argued by Mr. P. Phillips in support of the same. Leave

Granted Mr. C. P. Hudson to file brief in opposition thereto by Wednesday next.

The Continental Insurance Company of the City of New York
vs.
Kiff in Error
Samuel S. Walker, Joseph R. Walker, David F. Walker, and Matthew H. Walker as Walker Brothers, Robert B. Chisholm.

In Error to the Supreme Court of the Territory of Utah

This cause came on to be heard on the transcript of the record from the Supreme Court of the Territory of Utah, and on the motion of Mr. J. M. Wilson, of counsel for the defendant in error, and also from counsel for plaintiff in error on file, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed with costs.

Per Mr. Chief Justice Waite

1117	The Continental Insurance Company of New York vs. Kiffin Error Samuel S. Walker et al	Ordered that leave be, and the same is hereby, granted the plaintiff in error to move to reinstate this cause during the first week of the next term.

1013	Leopold Bamberger vs. Kiffin Error George C. Ing, Receiver &c.	On motion of Mr. S. H. Johnston leave is hereby granted him to file motion to rescind the order of dismissal and to reinstate this cause upon the docket, and it is ordered that said motion be, and the same is hereby, postponed until the next term.

962	Michael Hurley vs. Appellant D. H. Jones	The motion to rescind the order of dismissal entered in this cause and to reinstate the same upon the docket was argued and submitted by Mr. Fillmore Bull, in support of said motion, and by Mr. H. F. Sapp, in opposition thereto.

952. Albert Grant vs. Appellant. Wm. H. Hewitt et al | Mr. C. L. Bristol filed and submitted to the consideration of the Court motion to rescind the order of dismissal entered in this cause and to reinstate the same upon the docket.

665. The Goodenough Horse Shoe Manufacturing Co. vs. Plff in Error. The Rhode Island Horse Shoe Company. | Ordered by the Court that the order of dismissal for want of jurisdiction entered in this cause on the 5th of November, 1877, be, and the same is hereby, rescinded.

665 The Goodenough Horse Shoe Manufacturing Company. vs. Plff in Error. The Rhode Island Horse Shoe Company. | In Error to the Supreme Court of the State of New York.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of New York, and on the stipulation

on file and motion of Mr. A. P. Morse in behalf of counsel, it is now ordered and adjudged by this Court that the writ of error, in this cause be, and the same is hereby, dismissed.

Per Mr. Chief Justice Waite

Charles D. Lallande & John T. Hoey, Assignees in bankruptcy of Andrew J. Aiken.

750. vs. Appellants

H. C. O'Reilly, Assignee &c., of W. H. Errington, et al.

Mr. A. P. Morse submitted to the consideration of the Court motion to vacate or modify the supersedeas in this cause.

T. T. Hindley, C. A. Kilgour, S. A. Goodman, D. D. Gaylord, & Matthew Addis as Trustees of the Gaylord Iron & Pipe Co.

1089. vs. Appellants

Fireman's Fire Insurance & Indemnity Company, J. S. Wallace, President, The Holly Manufacturing Co. et al.

Mr. Fillmore Beall, of counsel for the appellees, having filed and read in open court the following certificate, to wit;

"United States of America
Western District of Tennessee."

In the Circuit Court of the United States, within and for the Western District of Tennessee, in the Sixth Judicial Circuit thereof.

Proceedings had in said Court, at a Regular Term thereof, begun and held for its Spr. Term, A.D. 1878, at the United States Court House, in the City of Memphis, in said District, on to wit: the 11 day of March A.D. 1878, in the following cause, to wit:

J.W. Stanley - Plaintiff,
vs. No. 2336 - Bill -
New York Guaranty and Indemnity Company, and J.P. Wallace, President thereof; The Holly Manufacturing Company and Chas. Keep, Secretary thereof; Citizens of New York; A. Goodman, G.G. Gaylord, M. Adler, Trustees of Gaylord Bon Ton Pipe Co, citizens of Ohio, and Memphis Water Co, F.S. Davis, and T.K. Farnsworth Trustees, and C.A. Kilgour, Citizens of Tennessee. Defdts -

and

C. N. Kilgour -

vs.

New York Guaranty and Indemnity Company, and J. P. Wallace, President thereof; The Holly Manufacturing Company and Chas Keep, Secretary thereof, Citizens of New York, N. Goodman, T. G. Gaylord, M. Adde, Trustees of Gaylord Iron and Pipe Co, Citizens of Ohio, and Memphis Water Co., F. S. Davis and T. K. Farnsworth, Trustees, Citizens of Tennessee, and T. H. Yardley -

and

William N. Goodman, T. G. Gaylord, and Mathew Adde, as Trustees of the Gaylord Iron and Pipe Company -

vs.

The New York Guaranty and Indemnity Company, and New York State Loan and Trust Company -

This cause was this day heard upon the Demurrers of the Defendants the New York Guaranty and Indemnity Company and the New York State Loan and Trust Company incorporated in their respective answers to the Cross-Bill of the Defendants William N.

Goodman, S. F. Gaylord, Wm. Matthew Addy as Trustees of the Gaylord Iron and Pipe Company, and upon motions of the said Guaranty and Indemnity Company, and the said Loan and Trust Company to re-hear and determine again their respective Demurrers incorporated in their respective answers to the Original Bill of the Complainant and to the Cross Bill of the Defendant Kilgour which by interlocutory Decree entered in the Second Chancery Court of Shelby County, before the removal of the cause to this Court were overruled, and it appearing to the Court that there is no Equity in the Original Bill, nor in either of the said Cross Bills, and that the said Demurrers are well taken to each of them, and that the said interlocutory orders so overruling the said Demurrers to the said Original Bill and the said Cross-Bill of the said Kilgour were improvidently granted, It is therefore ordered and decreed that the said Interlocutory Orders so entered in the said Chancery Court be set aside, vacated, and held

for naught, that the said Demurrer to each, the Original Bill, and the said two Cross Bills be sustained, that the said original Bill and each of the said Cross-Bills be dismissed, and that the Defendants demurring, recover of the plaintiff in the Original Bill and of the plaintiffs respectively, in the said Cross-Bills and of their respective sureties in their Cost Bonds, to-wit: N. V. Bredenburg, Thomas Barrett, all the costs of the said Bill and Cross-Bills respectively, and that Executions issue accordingly. All which is finally adjudged.

I, Horace E. Andrews, Clerk of the Circuit Court of the United States in and for the Western District of Tennessee, do hereby certify that the Plaintiff in the Original Bill, and the Plaintiffs in the said Cross-Bills, on the nineteenth day of March, A.D. 1877, as appears from the record in my office, prayed an appeal from the decree rendered in the said cause on the fourteenth day of March, A.D. 1877, a true copy whereof is attached to this Certificate, and such appeal was thereupon

duly allowed by the Court.

Witness the Hon. Morrison R. Waite, Chief Justice of the Supreme Court of the United States and the seal of said Circuit Court this 24th day of April, 1878, and the 102 year of the Independence of the United States.

(Seal)

A. E. Andrews. Clerk."

and having stated that the appellants had altogether failed to file the record of said cause in this Court or in any way to prosecute said appeal, now here moved the Court, in pursuance of the 9th Rule of this Court, to have this appeal docketed and dismissed. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that this appeal from the Circuit Court of the United States for the Western District of Tennessee be, and the same is hereby, docketed, and dismissed with costs; And that this cause be, and the same is hereby, remanded to the said Cir-

cuit Court to be proceeded in according to law and justice.

per Mr. Chief Justice Waite

Proclamation being made the Court is adjourned until Monday the 13th instant at twelve o'clock.

Monday, May 13th, 1878

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Morrison R. Waite, Chief Justice.

Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
Ward Hunt
John M. Harlan
} Associate Justices

John G. Nicolay, Esquire, Marshal.
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. C. A. Eldridge it is ordered that B. F. Ayer, Esquire, of Chicago, State of Illinois, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

Charles L. Hayward
193 vs. Appellant
The First National Bank.

Appeal from the Circuit Court of the United States for the District of Massachusetts.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Massachusetts, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Harlan

The City of Elizabeth, George T. Tibbs, and The New Jersey
Wood Paving Company.
203 vs. Appellants
The American Nicolson
Pavement Company.

Appeal from the Circuit Court of the United States for the District of New Jersey.

This cause came on to be heard on the transcript of the record from the Circuit

Court of the United States for the District of New Jersey, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court, in this cause, be, and the same is hereby, reversed with costs; And that this cause be, and the same is hereby, remanded to the said Circuit Court with directions to enter its decree in conformity with the opinion of this Court.

Per Mr. Justice Bradley.

The Boston Beer Company, Claimant of certain intoxicating liquors,
vs. } In Error to the
The Commonwealth of Massachusetts. } Superior Court of the Commonwealth of Massachusetts.

277

This cause came on to be heard on the transcript of the record from the Superior Court of the Commonwealth of Massachusetts, and was argued by counsel. On consideration whereof, It is now here ordered,

and adjudged by this Court that the judgment of the said Superior Court, in this cause, be, and the same is hereby, affirmed with costs.

per Mr. Justice Bradley.

Morris Ketchum, D'Orsi Zeigler, Bernard De Matteville, Mason Chavannes, Henry Jump, Rodolph Morian, Eugene Kinsie, Charles Carrard, and Ephrine Chuffard. Appellants

v.

Wm. Butler Duncan and Andrew Foster Elliott et al.

and

Wm. A. Hays, Wm. S. Pierson, S. Hastings Duncan, Executors of Wm. Duncan. Appellants

v.

Morris Ketchum et al.

Appeals from the Circuit Court of the United States for the Southern District of Alabama.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of Alabama, on appeal and cross-appeal,

and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court in this cause, be, and the same is hereby, affirmed. And it is further ordered that the appellants, in No. 879 pay all costs of their appeal except the costs of the Certiorari & return including the printing thereof; and the Clerk's fees for copying, which the appellees are ordered to pay.

It is further ordered that Henry Jump, one of the appellants, shall not be charged with any costs that may have accrued since April 1, 1878, when he moved to withdraw his appeal.

And it is further ordered that the costs of the appellee in No. 1057 be paid by the appellant.

Per Mr. Justice Strong

Dissenting:
Mr. Justice Clifford
" " Swayne
" " Miller
" " Harlan

Ex parte: M. Orlando Jackson
6 Original Petitioner

On consideration of the petition for writs of Habeas Corpus and Certiorari in this cause and of the argument of counsel thereupon had, as well in support of, as against the same, It is now ordered by the Court that said petition be, and the same is hereby, denied with costs.

per Mr Justice Field.

Luther H. Fellows and C. Fenwick Stone
274 vs. } In Error to the Circuit Court of the
The United States. } United States for the District of Massachusetts.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Massachusetts, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court, in this cause, be, and the same

is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court with directions to award a new trial.

per Mr. Justice Field.

	The Milligan & Higgins Glue Company.	Appeal from the Circuit Court of the United States for the District of Massachusetts.
272	vs. Appellant	
	George Upton.	

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Massachusetts, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court, in this cause, be, and the same is hereby, affirmed with costs.

per Mr. Justice Field.

Ida Minter Brine by George J. Brine, her guardian and next friend.	Appeal from the Circuit Court of the United States for the Northern District of Illinois.
277 vs. Appellant.	
The Hartford Fire Ins Co.	

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Northern District of Illinois, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that so much of the decree of the said Circuit Court, in this cause, as requires the rule to be made in accordance with the course and practice of the Court be, and the same is hereby, reversed. In all other respects it is affirmed. And that this cause be, and the same is hereby, remanded to the said Circuit Court for further proceedings in conformity with the opinion of this Court. Costs in this Court to be paid by the appellee.

Per Mr. Justice Miller.

Dissenting:
Mr. Justice Harlan.

	Lorenzo Ellis	Appeal from the Cir-
256.	vs. Appellant.	cuit Court of the United
	The Northwestern Mutual	States for the District
	Life Insurance Company.	of Minnesota.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Minnesota, and was argued by counsel. On consideration whereof, It is now here ordered adjudged, and decreed by this Court that the decree of the said Circuit Court, in this cause be, and the same is hereby, affirmed with costs.

per Mr. Justice Miller.

	The Delaware Mutual	In Error to the Cir-
	Safety Insurance Company.	cuit Court of the
275.	vs. Pffs in Error	United States for the
	Jno. H. Gassler et al.	District of Massa-
		chusetts.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Massachusetts, and was argued by

counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court, in this cause, be, and the same is hereby, affirmed with costs.

per Mr. justice Clifford

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215 The United States, Plaintiff, vs. Marcus Lamb & Ira Ken. | On a certificate of division in opinion between the judges of the Circuit Court of the United States for the Western District of Michigan.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Western District of Michigan, and on the points or questions on which the judges of the said Circuit Court were opposed in opinion and which were certified to this Court for its opinion agreeably to the act of Congress in such case made and provided, and was argued by counsel. On consideration whereof, It is the opinion of this Court that the first question certified must be answered in the negative. As to

answer being deemed necessary to the record.
Whereupon it is now here ordered and adjudged by this Court that it be so certified to the said Circuit Court.

Per Mr. Justice Swayne.

Dissenting:
Mr. Justice Miller.

John Young, Trustee in Bankruptcy of Alexander Collier.
vs. Appellant
The United States.

781. Appeal from the Court of Claims.

This cause came on to be heard on the transcript of the record from the Court of Claims, and was argued by counsel On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Court of Claims, in this cause, be, and the same is hereby, affirmed.

Per Mr. Chief Justice Waite.

Dissenting:
Mr. Justice Field.

The First National Bank of Omaha vs. The City of Omaha & Edward Johnson, Treasurer thereof	Appeal from the Circuit Court of the United States for the District of Nebraska.

15th

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Nebraska, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged & decreed by this Court that this appeal be, and the same is hereby, dismissed with costs.

Per Mr. Chief Justice Waite

Ex parte: William Scholienberger and William Scholienberger Jr. Petitioners	Petition for writ of Mandamus.

7. Original

This cause came on to be heard on the petition and return to rule and was argued by counsel. On consideration whereof, It is now here ordered that a writ of peremptory mandamus issue from this Court directed to the judges of the Circuit Court of the United

States for the Eastern District of Pennsylvania commanding said Court to hear and determine certain suits brought by the petitioners against certain corporations in the said Circuit Court and also to strike from the record certain orders made by them in the said cases on the 8th of April, 1875, whereby the services of the writs in the said suits were quashed, and thereupon to make such order or disposition of the suits as ought to have been made had the said orders to quash the service not been made.

Per Mr. Chief Justice Waite

Albert Grant
952 vs. Appellant
Wm. H. Hemsted et al.

On consideration of the motion to reinstate the order of dismissal entered in this cause and to reinstate the same, it is now here ordered by the Court that said motion be, and the same is hereby, denied.

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165 Michael Hurley
vs. Appellant
L. H. Jones,

On consideration of the motion to rescind the judgment of dismissal entered in this cause and to reinstate the same upon the docket, and of the argument of counsel thereupon had, as well in support of, as against the same, it is now here ordered by the Court that said motion be, and the same is hereby, denied.

per Mr Chief Justice Waite

William R. Stewart, Admr of James Stewart, and Allen S. Cutts -
vs. Appellants
Solomon, Rood & Co.

On consideration of the motion of Mr. R. Phillips to vacate the supersedeas in this cause, and of the argument of counsel thereupon had, as well in support of as against the same, it is now here ordered by the Court that said motion be, and the same is hereby, granted; and that the supersedeas allowed to the appellants in the Court below on their bond executed the 2nd of

January, 1878, be, and the same is hereby, vacated and set aside.

per Mr. Chief Justice Waite

Charles F. LaLande & John S. Hoyer, Assignees in Bankruptcy of Andrew J. Aiken.
750. v. Appellants
H. E. O'Reilly, Assignee of H. A. Elmore et al.

On consideration of the motion to vacate the supersedeas in this cause it is now here ordered by the Court that said motion be, and the same, is hereby, denied.

The United States
1093. v. Pff in Error
James O. Curtis, Joshua S. Foster, & Peter C. Hall.

In Error to the Circuit Court of the United States for the District of Massachusetts.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Massachusetts, and on the stipulation of counsel on file and motion of Mr. Solicitor General Phillips, It is now

It is ordered and adjudged by this Court that the judgment of the said Circuit Court, in this cause, be, and the same is hereby, reversed; And that this cause be, and the same is hereby, remanded to the said Circuit Court for such further proceedings as justice and law may require without prejudice to the rights of either party.

per Mr. Chief Justice Waite.

1,013 Leopold Bamberger vs. Plff in Error
Geo. C. Ferry, receiver &c.

Mr. St. Johnston having stated that the plaintiff in error was prepared to file the record and docket this cause moved the Court to rescind the order entered on the 18th day of December, 1877, docketing and dismissing this cause, and for leave to reinstate the same upon the docket. Whereupon, It is now here ordered by the Court that the order of the 18th of December last, be, and the same is hereby, rescinded and annulled; And that the plaintiff in error have leave to file the

record and docket his cause in conformity to the rules of this Court, upon payment of costs.

Per Mr. Chief Justice Waite

The Steamboat "Amador," her tackle, &c., Milton S. Latham, Claimant- vs. Appellant
226- Louis Zephyr-

Appeal from the Circuit Court of the United States for the District of California.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of California, and on the stipulation of counsel on file and motion of Mr. C. H. Armes, in behalf of J. H. Storrs, Esq., of counsel for the appellant, It is now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed with costs-

Per Mr. Chief Justice Waite-

Order

The Reporter having represented that owing to the number of decisions at the term it will be impracticable to put the reports in one volume. It is now therefore ordered that he publish an additional volume in this year, pursuant to section 681, of the Revised Statutes.

Order

It is now here ordered by the Court that all the causes on the docket not decided and all the other business of the term not disposed of by the Court be, and the same are hereby, continued to the next term of this Court.

Proclamation being made the Court is adjourned to the time and place appointed by law.

Minutes of the Supreme Court of the United States.

October Term

1878

Monday, October 14th 1878.

At the Capitol of the United States, in the City of Washington and District of Columbia, being the present seat of the National Government of the United States, on the second Monday of October, (being the fourteenth day of the same month) in the year of Our Lord one thousand eight hundred and seventy eight, and of the Independence of the United States the one hundred and third, the Supreme Court of the United States met agreeably to law.

Present.

The Honorable Morrison R. Waite, Chief Justice

Nathan Clifford
Noah H. Swayne
Samuel F. Miller
William Strong
Joseph P. Bradley
Ward Hunt
John M. Harlan

} Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk.

Monday, October 14th, 1878, continued.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Attorney General Devens it is ordered that Ben Sheets and Parley L. Williams, Esquires, of Salt Lake City, Utah Territory, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Solicitor General Phillips it is ordered that George E. Sibley, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. M. McPherson it is ordered that Job Barnard, Esquire, of Washington City, District of Columbia, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. C. R. Ingersoll it is ordered that Alfred B. Shaw, Esquire, of Chicago, State of Illinois, be admitted to practice as an attorney and counseller of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. P. Phillips, it is ordered that Eben N. Kimball, Esquire, of Little Rock, State of Arkansas, James Lingan, Esquire, of New Orleans, State of Louisiana, and Moses Hallon, Esquire, of Woodstock, State of Virginia, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. T. T. Crittenden it is ordered that Glen W. Cooper, Esquire, of Washington City, District of Columbia, be admitted to practice as an attorney and counsellor of this Court and

he was sworn accordingly.

On motion first made to the Court in this behalf by Hon. Stanley Matthews it is ordered that S. J. Crawford, Esquire, of Cincinnati, State of Ohio, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Quinton Corwine, it is ordered that A. P. Hereford, Esquire, of Leadville, State of Colorado, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

The Chief Justice announced that the Court would commence the call of the docket tomorrow, under the 24th rule.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock

Tuesday, October 15th, 1878.

Pursuant to adjournment the Court met to day at the Capitol.

Present.

The Honorable Morrison R. Waite, Chief Justice

Nathan Clifford
Noah H. Swayne
Samuel F. Miller
William Strong
Joseph P. Bradley
Ward Hunt
John M. Harlan

} Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened

On motion first made to the Court in this behalf by Mr. P. Phillips it is ordered that Samuel P. Blanc, Esquire, of New Orleans, State of Louisiana, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James C. Carter it is ordered that Benjamin H. Austin, Esquire, of Buffalo, State of New York, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Attorney General Devens it is ordered that Charles H. Gould, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. R. T. Merrick, it is ordered that R. B. Nelson, Esquire, of Cincinnati, State of Ohio, and J. J. Darlington, Esquire, of Washington City, District of Columbia, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr Solicitor General Phillips it is ordered that Robert T. Craighill, Esquire, of Lynchburg State of Virginia, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

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125 — Orange Noble et al vs. Pffs in Error / The Thompson Oil Company et al

Mr. J. B. Cessna, of counsel for the defendants in error, having filed letters testamentary appointing Conrad J. Brown, Administrator de bonis non &c, of Elizabeth A. Brown, decd, one of the defendants in error, moved the Court for an order substituting the said Conrad J. Brown as a party deft in error in this cause for Elizabeth A. Brown, deceased - Whereupon it is now here ordered by the Court that the said Conrad J. Brown, Admr d. b. n. &c be, and he is hereby, entered and made a party defendant in error in this cause in place of the said Elizabeth

N. Brown, deceased, as aforesaid; withliberty to resist this writ of Error.

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2. orig. | The State of Connecticut vs. The State of New York. | Complainant | On motion of Mr. Chas. R. Ingersoll, it is ordered that leave be, and the same is hereby, granted him to file a Bill of Complaint in this cause; And it is further ordered that Subpoenas issue to the defendants returnable on the second Monday in January next.

William D. Stewart, Admr. of Jas. Stewart, and Allen S. Cutler vs. Salomon Root & Co. | Appellants | Mr. S. Phillips, of counsel for the appellee, filed and submitted to the consideration of the Court motion to dismiss this appeal, which was opposed by Mr. C. P. Culver, of counsel for the appellants - Whereupon leave was granted Mr. Culver to file brief in

opposition to the motion to dismiss, by Saturday next.

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109 John Vansant et al vs. The Electro-Magnetic Gas Lighting Co. et al

Appellants

Mr. C. K. Horner, of counsel for the appellants, having filed and read in open court a suggestion of a diminution of the record in this cause, in that the final judgment of the Court below, in the words and figures following, to wit, has been omitted from the transcript:

"This cause came on to be heard upon the record of the special term, and was argued by counsel on both sides; and thereupon, upon consideration thereof, It is ordered, adjudged and decreed that the decree of the special term of May 25, 1875, from which the appeal to this Court was prosecuted be, and the same is hereby, affirmed with costs."

By reason of which omission

and errors aforesaid the said counsel now here moved the Court to award a Writ of Certiorari to be directed to the Judges of the Supreme Court of the District of Columbia commanding them that searching the records and proceedings of said Court in this cause they shall certify to this Court under the seal of the said Supreme Court whatever omissions and errors shall be found. On consideration whereof, It is now here ordered by this Court that a Writ of Certiorari be, and the same is hereby awarded to be issued forthwith and to be directed to the Judges of the Supreme Court of the District of Columbia commanding them that searching the record and proceedings aforesaid they forthwith certify to this Court under the seal of the said Supreme Court whatever omissions and errors shall be found in this cause and return the same with the said writ of Certiorari forthwith to this Court.

Per Mr. Chief Justice Waite

Samuel F. Craig
vs. Appellant
Jacob Smith et al

On motion of Mr. M. H. Carpenter, ordered that this cause be passed on account of sickness of counsel.

The City of Elizabeth et al. vs. Appellants
2103 of Oct. T. 1877
The American Nicolson Pavement Company.

On motion of Mr. C. A. Seward, It is ordered that the appellees have leave to apply to this Court on Monday the 21st day of October, instant, for an amendment of the mandate in this cause so as to preserve to the appellees the benefit of the security given by the appellants on their appeal to this Court, and in the meantime and until the decision of said motion the Clerk is hereby directed not to deliver or forward said Mandate to the Court below.

180. George Reynolds vs. Plff in Error / The United States

On motion of Mr Geo. H. Biddle, and consent of the Attorney General, It is ordered that this cause be re-assigned for argument on the fourteenth of November next.

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736. The Union Pacific Railroad Company vs. Appellant / The United States

On motion of Mr. Attorney General Devens it is ordered that this cause be advanced and assigned for argument on the 18th of November next.

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388. The United States vs. Plff in Error / N. B. Claflin et al

and

384. The United States vs. Plff in Error / N. B. Claflin et al

On motion of Mr. C. H. Gould, and consent of the Attorney General, it is ordered that these causes be re-assigned for argument on the fourteenth of November next after the causes already assigned for that day.

88 The United States
vs. Appellant
Robert M. and
Stephen A. Douglas

Appeal from the
Court of Claims.

This cause came on to be heard on the transcript of the record from the Court of Claims and on the motion of Mr. Solicitor General Phillips, of counsel for the appellant, It is now here ordered and adjudged by this Court that this appeal be, and the same is hereby, dismissed.

Per Mr. Chief Justice Waite

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39 D. A. McKitrick val
vs. Pltff in Error
Andrew J. Beard

On motion of Mr. Solicitor General Phillips, it is ordered that this case be passed, when reached, until after the tenth of November next.

175	Russell Sage et al vs. The Central Railroad Company of Iowa. Appellants And Russell Sage et al vs. The Central Railroad Company of Iowa. Appellants	Mr. S. A. Cowdrey filed and submitted to the consideration of the Court motion to advance these cases for argument at an early day, and that they be heard as one case.
570		

556	Conrad N. Jordan et al. vs. John J. Stevens et al. Appellants	Mr. S. A. Cowdrey filed and submitted to the consideration of the Court motion to advance this cause.

8	George E. Mattingly et al. vs. The District of Columbia et al. Appellants And The First National Bank of New York et al vs. Abner C. Shoemaker Appellants	Ordered by the Court that these cases be re-argued on the ninth week of November next.
239		

6	Charles H. Morrison vs. Kipp in Error. P. J. Larkin, Collector &c.	On motion of Mr. J. D. McPherson, of counsel for the plaintiff in error,

It is now hereordered by the Court that Wm. H. Farmer, Administrator of Charles H. Morrison, deceased, be entered and made the party plaintiff in error in this cause in place of the said decedent with liberty to prosecute this writ of Error.

3	The United States vs. Appellant The Union Pacific R.R. Co.	Ordered that this cause be passed and assigned for argument on the 12th of November next.

F. Stedpole, Executor of L. C. Baker, deceased, E. J. Conger, L. B. Baker et al.	Appeal from the Supreme Court of the District of Columbia.
18. vs. Appellants	
The City of Washington et al.	

This cause came on to be heard on the transcript of the record from the Supreme Court of the District of Columbia, and on the motion of Mr. S. S. Henkle, of counsel for the appellants, It is now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed with costs.

Per Mr. Chief Justice Waite

J. Henry Rives, Collector &c.	The argument of this cause was
426. vs. Plff in Error—	commenced by
N. M. Page, Executor &c.	Mr. Solicitor General Phillips, of counsel for the plaintiff in error, continued by Mr. J. M. Meredith and Mr. W. J. Robertson, of counsel for the defendant in error, and

concluded by Mr. Attf. Genl. Devens, for the plaintiff in error=

2	George N. Bowen vs. Plff in Error Nelson Chase	The argument of this Cause was commenced by Mr. M. E. Sawyer, of Counsel for the plaintiff in error.

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock=

Wednesday, October 16th, 1878.

Pursuant to adjournment the Court met to day at the Capitol -

Present.

The Honorable Morrison R. Waite, Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
William Strong
Joseph P. Bradley
Ward Hunt
John M. Harlan
} Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened.

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2 George N. Bowen vs. Plff in Error / Action Chase

The argument of this cause was continued by Mr. C. Shaffer, of counsel for the plaintiff in error, by Mr. J. C. Carter, of counsel for the defendant in error, and concluded by Mr. M. E. Sawyer, for the plaintiff in error -

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Samuel C. Cook
vs. Pltff in Error
The Commonwealth
of Pennsylvania.

This cause was argued by Mr Benjamin H. Brewster, of counsel for the plaintiff in error, and by Mr. Lyman D. Gilbert, of counsel for the defendant in error.

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Thursday October 17th, 1878.

Pursuant to adjournment the Court met to-day at the Capitol.

Present.

The Honorable Morrison R. Waite, Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
William Strong
Joseph P. Bradley
Ward Hunt
John M. Harlan
} Associate Justices

John F. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. George H. Williams, it is ordered that William G. Johnson, Esquire, of Washington City, District of Columbia, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

12	George N. Patton et al vs. Appellants Wm. N. Edwards et al	On motion of Mr. Swann it is ordered that this cause be, and the same is hereby, continued until the next term.

20	Henry Gerke et al vs. Appellants Mary A. Seavers et al	On motion of Mr. Geo. H. Williams it is ordered that this cause be passed when reached.

14	Daniel Hand vs. Plff in Error Johnson Hagood, Compt. General &c.	On motion of Mr. Lowndes it is ordered that this cause be passed when reached.

5	The Northwestern Fertilizing Company vs. Plff in Error The Village of Hyde Park et al	This cause was argued by Mr. Leonard Swett, of counsel for the plaintiff in error,

and submitted on printed argument

Thursday, October 17th, 1878, Continued.

by Mr. Charles Hitchcock, of counsel for the defendants in error.

William Glenny
vs. Appellant
Solomon Langdon et al.

The argument of this cause was commenced by Mr. S. T. Crawford, of counsel for the appellant, and continued by Mr. Stanley Matthews, of counsel for the appellees.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Friday, October 18th, 1878.

Pursuant to adjournment the Court met to day at the Capitol.

-Present-

The Honorable Morrison R. Waite, Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
William Strong
Joseph P. Bradley
Ward Hunt
John M. Harlan
} Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened

On motion first made to the Court in this behalf by Mr. Leigh Robinson it is ordered that Edward Colston, Esquire, of Cincinnati, State of Ohio, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

Friday, October 18th, 1878, Continued.

7-	Wm. Glenny vs. Solomon Langdon et al. Appellant	The argument of this cause was concluded by Mr. S. F. Crawford, of counsel for the appellant.

9-	Ellen Hallett et al vs. The Kansas Pacific Railroad Company. Appellants	Ordered by the Court that this cause be, and the same is hereby, passed.

11-	Charles Dupond vs. Plff in Error Hannah Heygant, Executrix of F. C. Heygant, decd, E. L. Sullivan, Gustave Touchard, Survg Exor of H. P. Hepburn, decd, & Jno. N. Shaw, Exor of W. Thompson Jr., deceased.	In Error to the Supreme Court of the State of California.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of California,

and it appearing to the Court that this is the second term at which this cause has been called for argument and that neither party is now prepared to argue the same, It is considered by the Court that this cause should be dismissed at the cost of the plaintiff in error, pursuant to the 16th rule of this Court. Whereupon, It is now here ordered and adjudged by this Court that this cause be, and the same is hereby, dismissed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court to be proceeded in according to law and justice.

per Mr. Chief Justice Waite

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13. The Memphis & Charleston Railroad Company vs. Pltf in Error / The State of Tennessee

Ordered by the Court that this cause be, and the same is hereby, passed.

	Thos. J. Dobbins et al	Ordered by the
14	vs. Iff in Error	Court that these
	The United States,	cases be, and the
15	Same vs. Same	same are hereby,
16	Same vs. Same	passed for the
17	Same vs. Same	present.

	Daniel Hand	Ordered that this
19	vs. Iff in Error	cause be, and the
	Johnson Hagood,	same is hereby,
	Compt. General &c.	passed.

	Henry Gerke et al	Ordered that
20	vs. Appellants	this cause be,
	Mary A. Seavers et al.	and the same,
		is hereby, passed.

	The Succession of John	The argument
	K. Eyee, deceased.	of this cause was
23	vs. Iff in Error	commenced
	The United States	by Mr. W. T. Mac
		Farland, of

counsel for the plaintiff in error, continued by Mr. Solicitor General Phillips, of counsel for the de-

fendant in error, and concluded by Mr. W. D. Shipman, for the plaintiff in error.

Proclamation being made the Court is adjourned until Monday next at twelve o'clock.

Monday, October 21st, 1878.

Pursuant to adjournment the Court met to day at the Capitol.

Present

The Honorable Morrison R. Waite, Chief Justice

Nathan Clifford
Noah H. Swayne
Samuel F. Miller
William Strong
Joseph P. Bradley
Ward Hunt &
John M. Harlan

} Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. P. Phillips it is ordered that Du Pont Guerry, Esquire, of Americus, State of Georgia, Thomas N. Macartney, Esquire, of Mobile, State of Alabama, and N. Harris Day, Esquire, of Salaria, State of New York, be admitted to practice as attorneys and counsellors of this Court and they

were sworn accordingly.

On motion first made to the Court in this behalf by Mr. R. T. Merrick it is ordered that Ashbel Green, Esquire, of Jersey City, State of New Jersey, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. W. A. Cook, it is ordered that C. C. Cole, Esquire, of Parkersburg, State of West Virginia, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

Frank N. Hinde Roper et al.
573. vs. Appellants
The Hinckley Locomotive Works.

William R. Fosdick et al
630. vs. Appellants
The Southwestern Car Co.
and

Ordered by the Court that these cases be assigned for argument on the first Tuesday in January.

631 — Wm. R. Fosdick et al vs. Michael Schall, Appellants

next, and that they be argued as one case.

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556 — Conrad N. Jordan et al vs. John G. Stevens et al, Appellants

Some of the questions presented in this case being similar to those involved in Nos. 513, 630, & 631, It is ordered that this cause be advanced and heard with said cases. Hoorder of argument will be arranged when the cases are called.

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175 — Russell Sage et al vs. The Central Railroad Company of Iowa, Appellants.

and

570 — Russell Sage et al vs. The Central R.R. Co. of Iowa, Appellants

On consideration of the motion to advance these cases it is ordered that said motion as to No. 175 be, and the same is hereby, denied; and that No. 570 be advanced for argument with No. 175, the two cases to be heard as one

when No. 175 is reached.

8- George E. Mattingly et al vs. Appellants
The District of Columbia et al.
And
The First National Bank of New York et al
239- vs. Appellants
Abner C. Shoemaker

On motion of Mr. A. G. Riddle it is ordered that two hours additional time be allowed each side in the re-argument of these cases.

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692 N. C. G. Hartman vs. Plff in Error
S. C. Trenholm, Treasurer &c.

Mr. J. K. Bradley filed and submitted to the consideration of the Court motion to advance this cause

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772 The Atlantic & Gulf Railroad Company. vs. Plff in Error
The State of Georgia

On motion of Mr. C. A. Wiest, it is ordered that this cause be advanced and argued with No. 103, when reached, as one case

203 of Col. T. 1877 — The City of Elizabeth et al vs. The American Nicolson Pavement Company — Appellants

On motion of Mr. P. Phillips, it is ordered that the hearing of the motion to amend the Mandate in this cause be, and the same is hereby, postponed until the 5th of November next.

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29 — Otis Tufts et al vs. The Boston Machine Company — Appellants

On motion of Mr. Ashton, and stipulation of counsel on file, It is ordered, that this cause be, and the same is hereby, continued until the next term of this Court.

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43 — William H. Gifford et al vs. E. F. Mallory, Admr &c — Appellants

Mr. J. H. Embry suggested the death of E. F. Mallory, Admr &c, the appellee in this cause, and moved the Court for leave to enter and substitute J. P. Helms, Admr d. b. n. of James Buck-head, deceased, in place of the said

E. F. Mulloy, deceased. Whereupon it is now here ordered by the Court that J. P. Helms, Admr. d. b. n. of James Bankhead, be entered and substituted as appellee in this cause in place of said E. F. Mulloy, dec'd, as aforesaid, with liberty to resist this appeal.

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8. Geo. E. Mattingly et al. vs. Appellants
The District of Columbia et al.
and
The First National Bank of New York et al.
239 vs. Appellants
Abner C. Shoemaker.

Ordered by the Court that these cases be assigned for re-argument on the 21st of November next, instead of the 19th as heretofore ordered.

Wm. D. Stewart, Admr of James Stewart, and Allen S. Cutts
917 vs. Appellants
Solomon Root & Co.

On motion of Mr. C. P. Culver leave is hereby granted him to file additional brief in this cause.

by Wednesday next with leave to Mr. P. Phillips to file reply thereto.

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21. Asa Hodges vs. Nelson S. Hewitt, Appellant

This cause was submitted to the consideration of the Court on the record and printed argument by Mr. B. C. Brown, of counsel for the appellee. No counsel appearing for the appellant.

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22. Otis and S. B. Ancrum et al. vs. H. J. Redfield, Appellants

Ordered by the Court that this cause be, and the same is hereby passed.

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24. Thomas Snell et al vs. The Atlantic Fire and Marine Ins. Co. of Providence, R. I., Appellants

This cause was argued by Mr. Leonard Swett, of counsel for the appellants. No counsel appearing for the appellee.

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95 C. A. Arthur, Collector &c. vs. Plff in Error
Thomas Prosser -

This cause was submitted to the consideration of the Court on the record and printed argument by Mr. Asst Attorney General Smith, of counsel for the plaintiff in error, and by Mr. Edward Hartley, for the defendant in error.

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96 Amos D. Williams vs. Appellant
Johnson Hagood, Compt. General &c.
And
97 J. P. Southern et al., Assignees &c. vs. Appellants
Johnson Hagood, Compt. General &c.

The argument of these cases was commenced by Mr. D. McMahon, of counsel for the appellants, and continued by Mr. L. T. Townsend, of counsel for the appellee -

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock -

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Tuesday, October 22d, 1878.

Pursuant to adjournment the Court met to-day at the Capitol -

Present -

The Honorable Morrison R. Waite, Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
William Strong
Joseph P. Bradley
Ward Hunt
John M. Harlan
Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk -

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. James Lowndes it is ordered that Theodore F. Swayze, Esquire, of Washington City, District of Columbia, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly -

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22	Otto Wm. S. Andreae vs. Heman J. Redfield	On motion of Mr. Asst Atty Genl Smith it is ordered that

Constance C. Redfield and Frank B. S. Redfield, Executrix & Executor of Heman J. Redfield, deceased, be entered and made the parties appellee in this cause in place of said Heman J. Redfield, deceased as aforesaid, with liberty to resist this appeal.

14.	Thomas S. Dobbins val. vs. Plffs in Error The United States	On motion of Mr. Assistant Attorney General Smith, in behalf of Messrs. E. C. & R. G. Ingersoll
15.	Same vs. Same	It is ordered that
16.	Same vs. Same	Michael D. Spurck,
17.	Same vs. Same	and Peter E. Spurck,

Thomas S. Dobbins, and Simon J. Kilduff, Executors of George Spurck, deceased, be entered and made parties plaintiffs in error in these cases in place of said George Spurck, deceased, as aforesaid, with liberty to prosecute these writs of error.

301. The United States vs. Plff in Error
Fausto Mora -

This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. Ass't Attorney General Smith, of counsel for the plaintiff in error, and by Mr. F. R. Conder, of counsel for the defendant in error, under the 20th Rule.

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26. Amos D. Williams vs. Appellant
Johnson Hagood, Compt. General &c -
and
27. J. P. Southern et al Assignees &c - vs. Appellants
Johnson Hagood, Compt. General &c.

The argument of these cases was continued by Mr. L. F. Dommans, of counsel for the appellee, and concluded by Mr. D. McMahon, of counsel for the appellants.

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28. Kelly N. & E. H. Green vs. Appellants
Wm. A. Gordon et al.

Ordered by the Court that this cause be, and the same is hereby,

continued until the next term -

31- The New Jersey Zinc Company -
vs. Appellants -
Samuel Wetherill & George W. Gilbert,
Admr of Charles J. Gilbert, deceased -

Samuel Wetherill & George W. Gilbert, Admr
of Charles J. Gilbert, deceased
32- vs. Appellants
The New Jersey Zinc Company -

The New Jersey Zinc Company
33- vs. Appellant
Samuel Wetherill & George W. Gilbert, Admr of
Charles J. Gilbert, deceased, & Martha W. Jones,
Admx of Samuel T. Jones, deceased -

and

Samuel Wetherill & George W. Gilbert, Admr
of Chas. J. Gilbert, decd, and Martha W. Jones,
Admx of Samuel T. Jones, deceased -
34- vs. Appellants
The New Jersey Zinc Company -

Appeals from the Circuit Court of the

Tuesday, October 22d, 1878, continued.

United States for the District of New Jersey.—

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of New Jersey, on appeals and cross-appeals, and it appearing to the Court that this is the second term at which this case has been called for argument, and that neither party is now prepared to argue the same, it is considered by the Court that this cause should be dismissed pursuant to the 16th Rule of this Court. Whereupon, It is now here ordered, adjudged and decreed by this Court that these appeals be, and the same are hereby, dismissed, each party paying their own costs. And that this cause be, and the same is hereby, remanded to the said Circuit Court to be proceeded in according to law and justice.

Per Mr. Chief Justice Waite.

Tuesday, October 22d 1878, Continued.

35 Emerson G. Orvis vs. Nathan Powell, Appellant

This cause was argued by Mr. C. D. Barrett, of counsel for the appellant, and by Mr. E. S. Isham and Mr. S. L. Paddock, of counsel for the appellee.

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36 Eugene Howland vs. Lucius S. Hakeval, Appellant

The argument of this cause was commenced by Mr. D. G. Hooker, of counsel for the appellant.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Wednesday, October 23d, 1878.

Pursuant to adjournment the Court met to-day at the Capitol.

Present.

The Honorable Morrison R. Waite, Chief Justice.

Nathan Clifford
Noah H. Swayne
Samuel F. Miller
William Strong
Joseph P. Bradley
Ward Hunt
John M. Harlan

Associate Justices

John G. Nicolay, Esquire, Marshal.
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Alexander Porter Morse it is ordered that W. B. Pittman, Esquire, of Vicksburg, State of Mississippi, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Hon. Matt H. Carpenter it is ordered that George E. Harris, Esquire, of Hernando State of Mississippi, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

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110. Frank Soule et al vs. Pltffs in Error
The United States,

On motion of Mr. Solicitor General Phillips it is ordered that this cause be passed subject to provisions of Section 7, Rule 26.

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224. The Metropolitan National Bank of New York vs. Appellant
The Connecticut Mutual Life Ins. Co.

Mr. E. J. Isham filed and submitted to the consideration of the Court motion to reverse and remand this cause to the Court below on the admission by the appellee of the errors assigned in the record.

36- Eugene Howland vs. Lucius S. Hakeral. Appellant

The argument of this cause was continued by Mr. D. G. Hooker, of counsel for the appellant, by Mr. Jno. T. Fish, of counsel for the appellees, and concluded by Mr. Hooker, for the appellant.

37- George P. Work vs. Thomas P. Leathers. Appellant

This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. Thos. Hunton & Mr. R. T. Merrick, of counsel for the appellant, and by Mr. C. B. Singleton, of counsel for the appellee.

38- Daniel Palmer vs. Jos. W. Low et al. Plff in Error

The argument of this cause was commenced by Mr. J. K. Redington, of counsel for the plaintiff in error.

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Thursday, October 24th, 1878.

Pursuant to adjournment the Court met to day at the Capitol.

Present.

The Honorable Morrison R. Waite, Chief Justice

Nathan Clifford
Noah H. Swayne
Samuel F. Miller
William Strong
Joseph P. Bradley
Ward Hunt
John M. Harlan
} Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Hon. M. Blair it is ordered that O. J. Bailey, Esquire, of Peoria, State of Illinois be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. R. T. Merrick, it is

ordered that James M. Baker, Esquire, of Jacksonville, State of Florida, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

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38 | Daniel Palmer vs. Plff in Error / Jos. W. Low et al | The argument of this cause was continued by Mr. J. K. Edington and Mr. W. A. Smith, of counsel for the plaintiff in error, and submitted on printed argument by Mr. S. O. Houghton of counsel for the defendants in error.

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39 | D. A. Beckwith et al. vs. Plff in Error / Andrew J. Bean | Ordered that this cause be, and the same is hereby, passed.

Thursday, October 24th, 1878, Continued.

	N. W. Berryhal, Executors &c.	Ordered by the
141	vs. Appellants	Court that
	J. Temple Doswell.	these cases
	and	be, and the
	N. W. Berryhal, Executors &c.	same are
142	vs. Plffs in Error	hereby, passed.
	J. Temple Doswell	

	Wm. H. Gifford et al	This cause was
143	vs. Appellants	argued by Mr. M.
	Jno. P. Helms, Admr.	Blair, of counsel

for the appellants, and by Mr. C. W. Hornor, of counsel for the appellee.

	The B. & O. R.R. Co.	The argument of this
144	vs. Plff in Error	cause was commenced
	Oden Bowie	by Mr. W. S. Cox, of

counsel for the plaintiff in error.

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Friday, October 25th, 1878.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Morrison R. Waite, Chief Justice

Nathan Clifford,
Noah H. Swayne
Samuel F. Miller
William Strong
Joseph P. Bradley
Ward Hunt
John M. Harlan
} Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. P. Phillips it is ordered that C.E. Schmidt, Esquire, of New Orleans, State of Louisiana be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Solicitor General Phillips

it is ordered that L. L. Lewis, Esquire, of Richmond, State of Virginia, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On the application of Mr. Bernard Carter leave is hereby granted A. H. Hucker, Esquire, to appear and argue orally cause No. 48; and also leave granted him to file printed argument in No. 947.

44	The Balto. & Ohio R.R. Co. vs. Offin in Error Oden Bowie	The argument of this cause was continued by Mr. Bernard Carter and Mr. R. T. Merrick, of counsel for the defendant in error, and concluded by Mr. J. A. Buchanan, of counsel for the defendant in error.

Friday, October 25th, 1878, Continued.

45. A. K. Stafford vs. Appellant
Just B. Kirkdal.

The argument of this cause was continued by Mr. T. A. Lambert, of counsel for the appellant, and continued by Mr. L. L. Lewis, of counsel for the appellees.

Proclamation being made the Court is adjourned until Monday next at twelve o'clock.

Monday, October 25th 1875

Pursuant to adjournment the Court met to-day at the Capitol -

Present

The Honorable Morrison R. Waite, Chief Justice

Nathan Clifford
Noah H. Swayne
Samuel F. Miller
William Strong
Joseph P. Bradley
Ward Hunt
John M. Harlan
} Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk -

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Hon. J. A. Campbell it is ordered that E. Bermudez, Esquire, of New Orleans, State of Louisiana, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

2	George N. Bowen vs. Nelson Chase	In Error to the Circuit Court of the United States for the Southern District of New York.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of New York, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause, be, and the same is hereby, affirmed with costs.

per Mr. Justice Bradley.

23	Mrs. Bessie Edgar Gaussen, wife of C. J. Gaussen, Executrix of John Kingsbury Edgar, deceased, E. T. Parker, Public Administrator, Substituted, vs. The United States	In Error to the Circuit Court of the United States for the District of Louisiana.

This cause came on to be heard on the transcript of the record from the Circuit

Court of the United States for the District of Louisiana, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court, in this cause, be, and the same is hereby, affirmed.

Per Mr. Justice Strong

7- William Glenny vs. Solomon Langdon and Martha Langdon, his wife, Jno. M. Caldwell, Assignee in bankruptcy &c, Stanley Hulick, Oliver M. Langdon, Oliver Perrin, Alfred Buchanan, George Milshire, E. K. Whittington & J. Hobbs Jr.

Appeal from the Circuit Court of the United States for the Southern District of Ohio.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of Ohio, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and

deemed by this Court that the decree of the said Circuit Court in this cause, be, and the same is hereby, affirmed with costs.

per Mr. Justice Clifford

Chester A. Arthur, Collector of the Port of New York.	In Error to the Circuit Court of the United States for the Southern District of New York.
25. vs. Riffin Error Thomas Proper.	

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of New York, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause, be, and the same is hereby, affirmed with costs and interest until paid, at the same rate per annum that similar judgments bear in the Courts of the State of New York.

per Mr. Chief Justice Waite

91.	Asa Hodges vs. Nelson G. Merritt	Appeal from the Circuit Court of the United States for the Eastern District of Arkansas.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Arkansas, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court in this cause be, and the same is hereby, affirmed with costs and interest, until paid, at the same rate per annum that similar decrees bear in the Courts of the State of Arkansas.

Per Mr. Chief Justice Waite

476.	J. Henry Rives, Collector of Internal Revenue. vs. Nicholas M. Pigg, Executor of Samuel Miller, deceased.	In Error to the Circuit Court of the United States for the Western District of Virginia.

This cause came on to be heard on the

transcript of the record from the Circuit Court of the United States for the Western District of Virginia, and was argued by counsel. On consideration whereof, the Court being equally divided in opinion: It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court, in this cause, be, and the same is hereby, affirmed, with costs and interest until paid, at the same rate per annum that similar judgments bear in the Courts of the State of Virginia.

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692 — N. C. G. Hartman vs. S. C. Greenhow, Treas'r &c. | In Error

On consideration of the motion to advance this cause, it is now hereordered by the Court that said motion be, and the same is hereby, denied.

Amendment to Equity Rules No. 18 & 19.

Ordered that the 18th and 19th Rules in Equity be amended so as to read as follows –

Bills taken pro confesso.

No. 18.

It shall be the duty of the defendant, unless the time shall be otherwise enlarged, for cause shown, by a judge of the Court, upon motion for that purpose, to file his plea, demurrer, or answer to the bill, in the clerk's office, on the rule-day next succeeding that of entering his appearance. In default thereof, the plaintiff may, at his election, enter an order (as of course) in the order-book, that the bill be taken pro confesso; and thereupon the cause shall be proceeded in ex parte, and the matter of the bill may be decreed by the Court at any time after the expiration of thirty days from and after the entry of said order, if the same can be done without an answer, and is proper

to be decreed; or the plaintiff, if he requires any discovery or answer to enable him to obtain a proper decree, shall be entitled to process of attachment against the defendant to compel an answer, and the defendant shall not, when arrested upon such process, be discharged therefrom, unless upon filing his answer, or otherwise complying with such order as the court or a judge thereof may direct, as to pleading to or fully answering the bill, within a period to be fixed by the court or judge, and undertaking to speed the cause.

No. 19

When the bill is taken pro confesso, the court may proceed to a decree at any time after the expiration of thirty days from and after the entry of the order to take the bill pro confesso, and such decree rendered shall be deemed absolute, unless the court shall, at the same term, set aside the same, or enlarge the time for filing the answer, upon cause shown,

upon motion and affidavit of the defendant. And no such motion shall be granted, unless upon the payment of the costs of the plaintiff in the suit up to that time, or such part thereof as the court shall deem reasonable, and unless the defendant shall undertake to file his answer within such time as the court shall direct, and submit to such other terms as the court shall direct, for the purpose of speeding the cause.

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952 S. Lisberger vs. E. M. Garnett, Assignee of Engle & Son, Bankrupts.

Appellant

Mr. Leigh Robinson, of counsel for the appellee, having filed and read in open court the following certificate, to wit:

"In the Circuit Court of the United States for the Eastern District of Virginia.

E. M. Garnett, Assignee of Engle & Son, Bankrupts.

vs.

S. Lisberger, M. Rosenbaum, J. J. Waggoner, and N. G. Harvey."

Monday, October 28th, 1878, Continued

I, M. F. Pleasants, Clerk of said Court do certify that on Tuesday the 9th day of October, A.D. 1877, a decree was rendered by said Court in the above entitled cause that × × × × said Lisberger do on or before the 21st day of October, 1877, pay to the said E. M. Garnett Assignee of said Engel & Son the sum of five thousand six hundred and eighteen dollars and fourteen cents ($5,618 14/100) with interest thereon at the rate of six per centum per annum from the 16th day of May, A.D. 1870, until paid, and that he do also pay all the costs of this suit" × × and I, M. F. Pleasants, Clerk of said Court, do further certify that upon the motion of said Lisberger an appeal was duly sued out and allowed him from said decree to the Supreme Court of the United States on Monday the 15th day of October, 1877.

In testimony whereof I have hereunto set my hand and affixed the seal of the Court at Richmond, in said District.

(Seal)

on this 25th day of October,
A.D. 1878.
M.F. Pleasants
Clerk."

and having stated that the appellant had altogether failed to file the record of said cause in this Court or in any way to prosecute said appeal, now here moved the Court, in pursuance of the 9th rule of this Court, to have this appeal docketed and dismissed. Be consideration whereof it is now here ordered, adjudged, and decreed by this Court that this appeal from the Circuit Court of the United States for the Eastern District of Virginia be, and the same is hereby, docketed and dismissed with costs; And that this cause be, and the same is hereby, remanded to the said Circuit Court to be proceeded in according to law and justice.

Per Mr. Chief Justice Waite.

The U.S. Ex rel: Alexander McLeod.	Mr. R. A. Maury filed and submitted to the consideration of the Court motion to advance this
843. vs. Plff in Error.	
John Sherman, Secy of the Treasury.	

cause.

The U.S. Ex rel: J. F. Vignies	Ordered that the motion to intervene in this cause filed by Mer.
745. vs. Plff in Error	
The City of New Orleans.	

Campbell and Mr. Mott and noticed for to-day be, and the same is hereby postponed by consent of counsel.

A. K. Spofford	The argument of this cause was concluded by
45. vs. Appellant	
Jas. B. Kirkpatrick et al.	Mr. T. A. Lambert,

of counsel for the appellant

46	E. S. C. Robertson vs. Plff in Error Henry Cause.	The argument of this cause was commenced by Mr. H. E. Paine, of counsel for the plaintiff in error, and continued by Mr. P. Phillips, of counsel for the defendant in error.

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Tuesday, October 29th, 1878.

Pursuant to adjournment the Court met to-day at the Capitol.

Present.

The Honorable Morrison R. Waite, Chief Justice

Nathan Clifford,
Noah H. Swayne
Samuel F. Miller
William Strong
Joseph P. Bradley
Ward Hunt
John M. Harlan
} Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened.

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46. E. S. C. Robertson vs. Pfiffin Error Heiry Case

The argument of this cause was continued by Mr. P. Phillips, of counsel for the defendant in error, and concluded by Mr. A. E. Paine, for the plaintiff in error.

The Second National Bank of St. Louis.
vs. Plff in Error
The Grand Lodge of the State of Missouri of Free & Accepted Ancient Masons.

This cause was argued by Mr. J. C. Orrick, of counsel for the plaintiff in error, and submitted on printed argument by Mr. J. N. S. Dryden, of counsel for the defendant in error.

The Chicago & Northwestern Railway Company.
vs. Appellant
Thomas Sayles.

On motion of Mr. George Payson it is ordered that one-half hour additional time be allowed each side in the argument of this cause.

The Chicago & Northwestern Railway Company
vs. Appellant
Thomas Sayles.

The argument of this cause was commenced by Mr. George Payson, of counsel for the appellant.

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Wednesday, October 30th, 1878.

Pursuant to adjournment the Court met to-day at the Capitol.

Present.

The Honorable Morrison R. Waite, Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
William Strong
Joseph P. Bradley
Ward Hunt
John M. Harlan
} Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. S. Shellabarger it is ordered that A. E. Masters Jr., Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. P. Phillips it is ordered that

D. S. Bryon, Esquire, of New Orleans, State of Louisiana, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

Lafayette County, State of Missouri
vs. Plff in Error
James A. Draper.

95

Mr. R. T. Merrick, of counsel for the defendant in error, having filed and read in open Court the following certificate, to wit:

United States of America } Set.
Western District of Missouri }

In the Circuit Court of the United States for the Western District of Missouri.

I, Henry C. Geiberg, Clerk of said Court, do hereby certify that in a cause lately depending in said Court between James A. Draper, plaintiff, and Lafayette County in the State of Missouri, defendant, judgment was rendered in favor of the said plaintiff and against said defendant on the 16th day of November A.D. 1875.

That thereupon said defendant

sued out a writ of error to the said Circuit Court which was duly allowed and that in obedience to said writ of error a transcript of the record and proceedings in the above named cause was made out for the Supreme Court of the United States -

In testimony whereof, I hereunto set my hand and affix the seal of said Court - Done at office in Jefferson City in said District this 8th day of October, A. D. 1878.

(Seal)

H. C. Geisberg, Clerk
by Warren Watson D.C."

and having stated that the plaintiff in error had altogether failed to file the record of said cause in this Court or in anyway to prosecute said writ of error, now here moved the Court, in pursuance of the 6th Rule of this Court, to have the writ of error in this cause docketed and dismissed - On consideration whereof, it is now

here ordered and adjudged by this Court that this writ of error to the Circuit Court of the United States for the Western District of Missouri be, and the same is hereby, dismissed and dismissed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court to be proceeded in according to law and justice.

per Mr. Chief Justice Waite

The Chicago & Northwestern Railway Co.
vs. Appellant
Thomas Sayles

Ordered by the Court that one hour additional be allowed each side in the argument of this cause.

The Chicago & Northwestern Railway Company.
vs. Appellant
Thomas Sayles

The argument of this cause was continued by Mr. George Payson, of counsel for the appellant, by Mr.

Albert H. Walker (by leave of court) in behalf of the appellee, & by Mr. S. D. Cozzens, of counsel for the appellee.

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Thursday, October 31st. 1878.

Pursuant to adjournment the Court met to day at the Capitol.

Present

The Honorable Morrison R. Waite, Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
William Strong
Joseph P. Bradley
Ward Hunt
John M. Harlan
} Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened.

Wm. S. Elliott, Collector
725 vs. Pfiffin Error
The East Penna. R.R. Co.

The United States
754 vs. Pfiffin Error
Clark V. Thompson et al

and

The United States
566 vs. Pfiffin Error
Adam Glab

Mr. Asst Attorney General Smith filed and submitted to the consideration of the Court motion to advance these causes.

510. C. A. Arthur, Coll'r &c. vs. Plff in Error
Charles Moller et al.

This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. Ass't Atts. Gen'l Smith, of counsel for the plaintiff in error, and by Mr. J. B. Craig, for the defendants in error, under the Rule.

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185. Frederick A. Schulenberg vs. Plff in Error
The St. Croix Lumber Co.

In Error to the Circuit Court of the United States for the Eastern District of Missouri.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Missouri, and on the stipulation of counsel and motion of Mr. Fillmore Beall, in behalf of counsel, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed

with costs.

per Mr. Chief Justice Waite

Eli N. Blake and John A. Blake, surviving partners of Blake Brothers -	In Error to the Circuit Court of the United States for the Northern District of Illinois.
2144 vs. Plffs in Error	
Philetus N. Gates and The Eagle Manuf'g Co.	

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Northern District of Illinois, and on the authority of counsel for the plaintiffs in error, and motion of Mr. Fillmore Beall, in behalf of counsel, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed with costs.

per Mr. Chief Justice Waite.

The County of Dade, in the State of Missouri -	In Error to the Circuit Court of the United States for the Western District of Missouri.
412. vs. Plff in Error	
William N. Coler -	

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Western District of Missouri, and on the authority of counsel for the plaintiff in error, and motion of Mr. Fillmore Beall, in behalf of counsel, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed with costs.

per Mr. Chief Justice Waite

The Chicago and North-western Railway Co.	The argument of this cause was continued,
48. vs. Appellant	
Thomas Sayles -	

by Mr. S. D. Cozzens, of counsel for the appellee, and concluded by Mr. George Payson, of counsel for the appellant.

Thursday, October 31st, 1878, Continued.

149.	Isaac L. Lyon vs. Jesus Hernandez val.	This cause was argued by Mr. R. A. Phillips, of counsel for the appellant. No counsel appearing for the appellees.

50.	Robert Dumont et al vs. The United States	This cause was argued by Mr. R. Willoughby, of counsel for the plffs in error, and by Mr. Ass't Atty Genl Smith, for the deft in error.

51.	Harlow Barney vs. The United States	The argument of this cause was commenced by Mr. Geo. A. Williams, of counsel for the plaintiff in error.

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Friday, November 1st. 1878.

Pursuant to adjournment the Court met to-day at the Capitol.

Present.

The Honorable Morrison R. Waite, Chief Justice
Nathan Clifford, Associate Justices
Noah H. Swayne
Samuel F. Miller
William Strong
Joseph P. Bradley
Ward Hunt
John M. Harlan

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. J. H. Ashton, it is ordered that Isaac C. Collins, Esquire, of Cincinnati, State of Ohio, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

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51. Harlow & Barney vs. Riffin Error
J. A. Dolph

The argument of this cause was continued by Mr. George H. Williams, of counsel for the plaintiff in error, by Mr. J. H. Mitchell, of counsel for the defendant in error, and concluded by Mr. Williams for the plff. in error.

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52. J. C. Stacey vs. Riffin Error
G. H. Emery, Supervisor Int. Rev.

This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. R. M. P. Smith, of counsel for the plaintiff in error, and by Mr. Asst Attorney General Smith, of counsel for the defendant in error.

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53. J. M. Pettigrew vs. Riffin Error
The United States

This cause was argued by Mr. W. G. C. Humes, of counsel for the plaintiff in error, and by Mr. Ass't Attorney General Smith

of counsel for the defendant in error.

54. George Hill Jr. vs. The Farmers & Mechanics National Bank — Appellant | This cause was submitted to the consideration of the Court on the record, by Mr. F. H. Jones, of counsel for the appellant, with leave to file printed argument on or before Wednesday next, and argued by Mr. C. M. Matthews, of counsel for the appellee.

55. Hugo Seitz et al vs. The United States — Plffs in Error | This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. Stephen B. Clarke, of counsel for the plffs in error, and by Mr. Asst Attorney General Smith, of counsel for the defendant in error.

Proclamation being made the Court is adjourned until Monday next at twelve o'clock.

Monday, November 4, 1878.

Pursuant to adjournment the Court met to day at the Capitol.

Present

The Honorable Morrison R. Waite, Chief Justice

Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
Ward Hunt &
John M. Harlan

Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Alexander Porter Morse it is ordered that W. L. Duff, Esquire, of Memphis, State of Tennessee, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

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214 Thomas Snell, Samuel L. Keith, & Abner Taylor, partners as Snell, Taylor & Co. vs. The Atlantic Fire & Marine Insurance Company of Providence Rhode Island.

Appeal from the Circuit Court of the United States for the Northern District of Illinois.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Northern District of Illinois, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court, in this cause, be, and the same is hereby, reversed with costs; And that this cause be, and the same is hereby, remanded to the said Circuit Court with directions to enter a decree in conformity with the opinion of this Court.

Per Mr. Justice Harlan.

1 Washington Ford vs. Riffin & Error / James Surget. | In Error to the Supreme Court of the State of Mississippi.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Mississippi, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause, be, and the same is hereby, affirmed with costs.

per Mr. Justice Harlan

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301 The United States vs. Riffin & Error / Fausto Mora. | In Error to the Circuit Court of the United States for the Southern District of New York.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of New York, and was argued by counsel. On consideration whereof, It

is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause, be, and the same is hereby, reversed; And that this cause be, and the same is hereby, remanded to the said Circuit Court with directions to award a new trial.

Per Mr. Justice Bradley.

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36. Eugene Howland vs. Appellant / Lucius S. Blake & Jas. D. Elliott

Appeal from the Circuit Court of the United States for the Eastern District of Wisconsin.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Wisconsin, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Hunt.

Amos D. Williams, Appellant 26 vs. Johnson Hagood, substituted for Thomas C. Dunn, Comptroller General of South Carolina, William Gurney, County Treasurer of Charleston Co. et al.	Appeal from the Circuit Court of the United States for the District of South Carolina

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of South Carolina, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed with costs, but without prejudice to the complainant's right to bring and prosecute another suit when he shall be in a condition to exhibit any equity in himself.

Per Mr. Justice Strong.

35. Emerson G. Ovis, Appellant vs. Nathan Powell. | Appeal from the Circuit Court of the United States for the Northern District of Illinois.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Northern District of Illinois, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court in this cause be, and the same is hereby, affirmed, except so far as it fails to provide for redemption after sale of each parcel of land as provided by the Statute of Illinois; and that this cause be, and the same is hereby, remanded to the said Circuit Court with directions to amend the decree by making an order for such redemption.

Costs in this Court to be paid by the appellee.

Per Mr. Justice Miller

Monday, November 4th, 1878, Continued

44	Samuel C. Cook Plff in Error vs. The Commonwealth of Pennsylvania	In Error to the Supreme Court of the State of Pennsylvania.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Pennsylvania, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause, be, and the same is hereby, reversed with costs; And that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings to be had therein in conformity with the opinion of this Court.

Per Mr. Justice Miller.

37. George P. Work vs. Thomas P. Leathers, Appellant | Appeal from the Circuit Court of the United States for the District of Louisiana.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Louisiana, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court in this cause, be, and the same is hereby, affirmed with costs.

per Mr. Justice Swayne

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43. William H. Gifford, W. E. Duffer, Admr of Joseph S. Gifford, dec'd, H. L. Gifford, minor, by his guardian ad litem R. McP. Smith vs. Appellants, John P. Helms, Admr de bonis non of James Bankhead, deceased. | Appeal from the Circuit Court of the United States for the Middle District of Tennessee.

This cause came on to be heard on the

transcript of the record from the Circuit Court of the United States for the Middle District of Tennessee, and was argued by counsel - On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court, in this cause, be, and the same is hereby, reversed with costs; And that this cause be, and the same is hereby, remanded to the said Circuit Court with directions to dismiss the bill.

Per Mr. Justice Clifford -

John P. Southern, George W. Williams, & Jas. P. Low, Assignees of the Blue Ridge R.R.Co. in South Carolina. vs. Appellants

27 - Johnson Haygood, substituted for Thos. C. Dunn, Compt. Genl. of the State of South Carolina, J. H. Holman & S. D. Dean.

Appeal from the Circuit Court of the United States for the District of South Carolina.

This cause came on to be heard on the

transcript of the record from the Circuit Court of the United States for the District of South Carolina, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court, in this cause, be, and the same is hereby, reversed with costs; And that this cause be, and the same is hereby, remanded to the said Circuit Court for further proceedings to be had therein in conformity with the opinion of this Court.

per Mr. Chief Justice Waite

229 The Metropolitan National Bank of New York vs. The Connecticut Mutual Life Insurance Co. of Hartford. Appellant

Appeal from the Circuit Court of the United States for the Northern District of Illinois

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Northern District of Illinois, and on the motion

of Mr. Isham, of counsel for the appellee. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court in this cause, of August 11, 1875, confirming the sale, and also so much of the decree of February 17, 1875, as directs that the sale be made in accordance with the practice of the Court, be, and the same is hereby, reversed, in all other respects the decree of February 17, 1875, is affirmed; And that this cause be, and the same is hereby, remanded to the said Circuit Court with instructions to set aside the sale and modify the original decree by providing for a redemption from the sale in accordance with the statutes of the State of Illinois. The costs of this appeal to be paid by the appellee.

per Mr Chief Justice Waite

The Baltimore and Ohio Railroad Co. vs. Pfff in Error	In Error to the Supreme Court of the District of Columbia.
44. Oden Bowie	

This cause came on to be heard on the transcript of the record from the Supreme Court of the District of Columbia, and was argued by counsel. On consideration whereof, the Court being equally divided in opinion, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs and interest, until paid at the same rate per annum that similar judgments bear in the Courts of the District of Columbia.

The Metropolitan National Bank of New York vs. Appellant	Ordered that the Mandate issue in this cause immediately.
229. The Connecticut Mutual Life Insurance Co. of Hartford.	

566	The United States vs. Adam Slab.	Ordered by the Court that this cause be advanced and assigned for argument on Tuesday the 10th of December next.

754	The United States vs. Clark K. Thompson et al.	Ordered by the Court that this cause be advanced and assigned for argument on Monday the 9th of December next.

725	Wm. D. Elliott, Coll'r &c vs. The East Penna. R.R. Co.	Ordered by the Court that this cause be advanced and assigned for argument on Tuesday the 3rd of December next.

3	The United States vs. The Union Pacific Railroad Company.	Ordered that this cause be re-assigned for argument on Thursday the 14th of November, instant.

The Union Pacific R.R. Co. vs. The United States	Ordered that this cause be re assigned for argument on

736. Appellant

Monday the 2d of December next.

Amendment to Rule 6.

Ordered that Rule 6 be amended, so as to read as follows,

There may be united, with a motion to dismiss a writ of error or appeal, a motion to affirm on the ground that although the record may show that this Court has jurisdiction, it is manifest the appeal or writ was taken for delay only, or that the question on which the jurisdiction depends is so frivolous as not to need further argument.

L. H. Meyer Gal. Trustee &c. vs. The Delaware Railroad Construction Company	The motion to dismiss this writ of error or affirm the decree was submitted to the

500 Plffs in Error

consideration of the Court on printed

arguments by Mr. George G. Wright and Mr. J. M. Brayton in support of the same and by Mr. James Grant in opposition thereto; write leave to Messrs. Wright and Brayton to file reply briefs by Wednesday next.

Wm. Dennison and L. N. Meyer, trustees &c. vs. Plff in Error 609 Benjamin Burch et al and Wm. Dennison & L. N. Meyer, Trustees &c vs. Plff in Error 615 Benjamin Burch et al	The motion to dismiss these writs of error or affirm the judgments was submitted to the consideration of the Court on printed arguments by Mr. J. M. Brayton in support of the same and by Mr. James Grant in opposition thereto.

The Memphis & Charleston Railroad Co. et al vs. Plff in Error 673 Jas. L. Haines, Comptr &c	Mr. J. B. Heiskell filed & submitted to the consideration of the Court motion to advance this cause.

Pryor N. Coleman 344 vs. Affin Error The State of Tennessee	Mr. J. B. Heiskell submitted to the consideration of the Court motion to fix a day for the hearing of this cause.

The City of Elizabeth et al 203 of 1877 - vs. Appellants The American Nicolson Pavement Company	By motion of Mr. Phillips it is ordered that the hearing of the motion to amend the Mandate in this cause be, and the same is hereby, postponed until the 15th inst.

Hiram Deving et al 171 of 1877 vs. Appellants G. A. Perdicaries et al	Mr. P. Phillips filed and submitted to the consideration of the Court motion to recall the Mandate and reform the decree entered in this cause, which was opposed by Mr. James Lowndes.

Monday, November 4th 1878, Continued-

1162 John P. Southern vs. Pltff in Error
John Fisher, Trustee of the Citizens Savings Bank of South Carolina in Bankruptcy.

Mr. W. H. Boyce, of counsel for the defendant in error, having filed and read in open court the following certificate, to wit:

"In the Circuit Court of the United States for the District of South Carolina.

John P. Southern vs. Pltff in Error
John Fisher, Trustee of the Citizens Savings Bank of South Carolina in Bankruptcy. } Defendant in error

I hereby certify that a judgment was obtained in the above stated case by John Fisher, Trustee of the Citizens Saving Bank of South Carolina in Bankruptcy at the January term of the District Court of the United States for the Eastern District of South Carolina, that said judgment

bears date the 23d day of February 1876.

I further certify that an appeal was taken from said judgment to the term of the Circuit Court of the United States for the District of South Carolina sitting at Charleston commencing on the first Monday in April 1876; that said judgment was affirmed, and that a writ of error in the above stated case was duly sued out and allowed on the 26th day of April A.D. 1876.

Given under my hand and the seal of the Court at Charleston, this the 26th day of October A.D. 1878.

(Seal)

J. C. Nagood
C.C.C.U.S. Dist S.C.

And having stated that the plaintiff in error had altogether failed to file the record of said cause in this Court, or in any way to prosecute said writ of error, now here moved the Court, in pursuance of the 9th rule of this Court, to have the writ of error in this cause docketed and dismissed. On consideration whereof,

It is now here ordered and adjudged by this Court that the writ of error in this cause to the Circuit Court of the United States for the District of South Carolina be, and the same is hereby, dismissed and dismissed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court to be proceeded in according to law and justice.

Per Mr. Chief Justice Waite

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687 The United States vs. Plaintiffs
Jeremiah Hall.

Mr. Assistant Attorney General Smith filed and submitted to the consideration of the Court motion to advance this cause.

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56 Grinfill Blake et al vs. Appellants
H. J. Hawkins et al, Assignees &c.

This cause was argued by Mr. S. F. Phillips, of counsel for the appellants, and submitted on printed argument by Mr. A. S. Merrimon, of counsel for the appellees.

57- The Western Union Telegraph Co. vs. Appellant Henry K. Davenport. And

58- The Western Union Telegraph Co. vs. Appellant Katharine J. Davenport.

The argument of these cases was commenced by Mr. G. P. Lowrey, of counsel for the appellants

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Tuesday, November 5th 1878.

Pursuant to adjournment the Court met to day at the Capitol.

Present

The Honorable Morrison R. Waite, Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
Ward Hunt &
John M. Harlan
Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. J. D. McPherson it is ordered that J. B. Kinkead, Esquire, of Louisville, State of Kentucky, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Solicitor General Phillips it is ordered that Julius Aronis, Esquire, of New Orleans, State of Louisiana, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

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673. The Memphis & Charleston Railroad Co. et al. vs. Plffs in Error
Jas. L. Gaines, Comptr &c.

On consideration of the motion of Mr. J. B. Heiskell it is ordered that this cause be advanced.

57. The Western Union Telegraph Co. vs. Appellant
Henry W. Davenport.
and
58. The Western Union Telegraph Co. vs. Appellant
Katharine J. Davenport &c.

The argument of these causes was continued by Mr. G. P. Lowrey, of counsel for the appellant, by Mr. John F. Follett, of counsel for the appellees, and concluded by Mr. J. Hubley Ashton, for the appellant.

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59 The City of Nauvoo vs. Plff in Error George A. Killen. | This cause was submitted to the consideration of the Court on the record and printed argument by Mr. J. B. Henderson, of counsel for the plff in error. No counsel appearing for deft in error.

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60 Theodore A. Kenig vs. Appellant Thompson Dean. | The argument of this cause was commenced by Mr. A. Phillips, of counsel for the appellant.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Wednesday November 6th. 1872.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Morrison R. Waite, Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
Ward Hunt
John M. Harlan
Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. R. T. Merrick it is ordered that Thomas S. McClelland, Esquire, of Chicago, State of Illinois, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. H. F. C. Hines it is ordered that Harry Harrison, Esquire, of Nashville, State of Tennessee, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. J. Crittenden, it is ordered that Harry I. Thornton, Esquire, of San Francisco, State of California, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

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80 Charles H. Dalton, Appellant vs. Thomas Davies. | Appeal from the Circuit Court of the United States for the District of Iowa

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Iowa, and on the motion of Mr. R. T. Merrick, of counsel for the appellant, it is now here ordered, adjudged, and decreed by this Court

that this appeal be, and the same is hereby, dismissed with costs.

Per Mr. Chief justice Waite.

965. William G. W. Lewis & Virginia L. Lewis vs. Henry Baker — Appellants

Mr. Thomas J. McClelland, of counsel for the appellee, having filed and read in open Court the following certificate, to wit:

"United States Circuit Court
Northern District of Illinois }

Henry Baker
v.
William G. W. Lewis, Virginia L. Lewis, and John H. Vaughop —
and
William G. W. Lewis and Virginia Lewis
vs.
Henry Baker

In Chancery
Original Bill
Cross Bill

Northern District of Illinois ss.

I, William A. Bradley, Clerk of the Circuit Court of the United States, for said District, do hereby certify that on the twenty-ninth day of October A.D. 1877, a decree was rendered in said entitled cause in favor of said complainant Henry Baker and against said defendants William G. W. Lewis and Virginia L. Lewis and John M. Vaughop, and I do further certify that on said twenty-ninth day of October A.D. 1877, an appeal from said decree to the Supreme Court of the United States was prayed by said William G. W. Lewis and Virginia L. Lewis and was duly allowed by said Court, and that on the 7th day of January, A.D. 1878, an appeal Bond was approved by the Court and filed in said Clerk's Office, as appears from the files and records of said Court now remaining in my custody & control.

(Seal) In testimony whereof I have hereunto set my hand and affixed the seal of said Court at my

office in Chicago in said District, this 11th day of November A. D. 1878, and of Our Independence the One hundred and third year.

Wm. H. Bradley
Clerk.

and having stated that the appellants had altogether failed to file the record of said cause in this Court or in any way to prosecute said appeal, now here moved the Court, in pursuance of the 4th Rule of this Court, to have this appeal docketed and dismissed - On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that this appeal from the Circuit Court of the United States for the Northern District of Illinois, be, and the same is hereby, docketed and dismissed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court to be proceeded in according to law and justice.

Per Mr. Chief Justice Waite

811	Henry Cook et al. vs. Plff's in Error Robert Hill -	Mr. F. Beall, in behalf of Mr. Robert Hervey, of counsel for the defendant in

error, suggested the death of Robert Hill, the defendant in error in this cause, and moved the Court for an order substituting Sarah A. Hill, Administratrix of said Robert Hill, as the defendant in error - Whereupon it is now here ordered that Sarah A. Hill, Administratrix of the said Robert Hill, deceased as aforesaid, be entered and made the party defendant in error in this cause in place of the said Robert Hill, deceased, with liberty to resist this writ of error -

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60.	Theodore A. Kendig vs. Appellant Thompson Dean.	The argument of this cause was continued by Mr. Henry J. Elliott, of counsel for the ap-

pellee, and concluded by Mr. P. Phillips, of counsel for the appellant.

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673 The Memphis & Charleston R.R. Co. et al vs. Plff in Error
Jas L. Haines, Complt rec.

Ordered by the Court that this cause be assigned for argument on Tuesday the 10th day of December next.

673. The Memphis & Charleston R.R. Co. et al vs. Plff in Error
Jas L. Haines, Complt. in

Ordered that this cause be substituted for No. 61 and vice versa.

62. The County of Shuyler vs. Plff in Error
Joseph T. Thomas

The argument of this cause was commenced by Mr. Geo. H. McCrary, of counsel for the plaintiff in error, and continued by Mr. A. J. Baker, of counsel for the defendant in error.

Proclamation being made the Court is adjourned until tomorrow morning at twelve o'clock.

Thursday, November 7, 1878.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Morrison R. Waite, Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
Ward Hunt
John M. Harlan
Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. George N. McCrary, it is ordered that Robert N. Sherman, Esquire, of Keokuk, State of Iowa, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Alexander Porter Morse it is ordered that William M. Ingersoll, Esquire, of Vicksburg, State of Mississippi, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

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62. The County of Schuyler vs. Elgin in Error / Joseph T. Thomas

The argument of this cause was continued by Mr. A. J. Baker and Mr. F. T. Hughes, of counsel for the defendant in error, and concluded by Mr. Geo. W. McCrary, of counsel for the plaintiff in error.

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63. The Giant Powder Co. vs. Appellant / The California Powder Works et al.

The argument of this cause was commenced by Mr. M. A. Wheaton, of counsel for the appellant, and continued by Mr. Geo. Harding, of counsel for the appellees.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock M.

Friday, November 8th, 1878.

Pursuant to adjournment the Court met to day at the Capitol.

Present

The Honorable Morrison R. Waite, Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
Ward Hunt
John M. Harlan
} Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Kealey Middleton, Clerk.

Proclamation being made the Court is opened.

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63. The Hunt Powder Co. v. The California Powder Works et al. (Appellant)

The argument of this cause was continued by Mr. George Harding, of counsel for the appellees, and concluded by Mr. F. Bakewell, for the appellant.

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64. Edward Kinson / vs. / Charles A. Hutton — Appellant

This cause was argued by Mr. J. M. Wilson, of counsel for the appellant, and submitted on printed argument by Mr. N. H. Corlett, of counsel for the appellee.

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65. The Missouri, Kansas and Texas R. R. Co. / vs. / The Kansas Pacific Railroad Co. — Plff in Error

The argument of this cause was commenced by Mr. T. C. Sears, of counsel for the plff in error.

Proclamation being made the Court is adjourned until Monday next at twelve o'clock.

Monday, November 11th, 1878

Pursuant to adjournment the Court met to day at the Capitol.

Present

The Honorable Morrison R. Waite, Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
Ward Hunt
John M. Harlan
} Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened

On motion first made to the Court in this behalf by Mr. Solicitor General Phillips it is ordered that James G. Tighe, Esquire, of Brooklyn, State of New York, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. H.C. Eade, it is ordered that J.M. Tibbs, Esquire, of Columbia, State of South Carolina, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J.A. Sterns, it is ordered that S.H. Anderson, Esquire, of San Francisco, State of California, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

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22. J.C. Stacey vs. Plff in Error
G.H. Emery, Supervisor of Internal Revenue. | In Error to the Circuit Court of the United States for the Middle District of Tennessee.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Middle District of Tennessee, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that

the judgment of the said Circuit Court, in this cause, be, and the same is hereby, affirmed with costs.

per Mr. Justice Hunt

Robert Dumont impleaded with Wm. E. Boorman
vs. Plff in Error
The United States

In Error to the Circuit Court of the United States for the Southern District of New York.

50.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of New York, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court with directions to award a new trial.

per Mr. Justice Bradley

45.	Ainsworth R. Spofford vs. Appellant James B. Kirk, A. A. Hoomes and C. D. Gilmore	Appeal from the Supreme Court of the District of Columbia.

This cause came on to be heard on the transcript of the record from the Supreme Court of the District of Columbia, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. justice Strong

(Mr. Justice Field did not sit on the argument of this cause and took no part in the decision.)

53.	J. M. Pettigrew, surviving partner of Edmunds and Pettigrew vs. Pl'ff in Error The United States	In Error to the Circuit Court of the United States for the Western District of Tennessee.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Western District of Tennessee, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court with directions to award a new trial.

Per Mr. Justice Miller

5- The Northwestern Fertilizing Co. vs. Plff in Error
The Village of Hyde Park, Chauncey M. Cady, W. E. Hale, A. D. Waldron, L. G. Fisher, E. G. Clarke, M. Doyle, J. M. Bainey, L. Bradner, and H. Vanderbilt, Trustees of said Village.

In Error to the Supreme Court of the State of Illinois.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Illinois, and was argued

by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. justice Swayne

Dissenting:
Mr. jus. Strong

Mr. justice Field was not present at the argument and took no part in the decision

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Hugo Seitz and Carl Friedbach, Claimants of four packages of Human Hair.	In Error to the Circuit Court of the United States for the Southern District of New York.
55. vs. Affirmed in Error The United States	

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of New York, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged

by this Court that the judgment of the said Circuit Court in this cause be, and the same is hereby, affirmed.

per Mr. Justice Clifford.

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38 Daniel Pulmer vs. Iliff in Error / Joseph W. Lee, Charles L. Kellogg, S. O. Houghton, George B. Bradford, Cyrus Pulmer, C. W. Zimmerman, H. L. Pulmer, J. W. Knox, Charles Clayton, and S. A. Harmon.

In Error to the Circuit Court of the United States for the District of California.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of California, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be, and the same is hereby, affirmed with costs.

per Mr. Chief Justice Waite

The United States ex rel: Alex^r McLeod.	On consideration of the motion of Mr. R. A. Maury, it is ordered that this cause be, and the same is hereby ad-
143. vs. Plff in Error	
John Sherman, Sec'y of the Treasury.	

vanced.

The United States	On consideration of the motion of Mr. Asst Attorney General, Smith it is ordered,
687 vs. Plaintiff	
Jeremiah Hall	

that this cause be, and the same is hereby advanced.

The United States	This cause was submitted to the consideration
207. vs. Appellant	
S. L. Shrock morton et al.	

of the Court on the record and printed arguments by Mr. Fuller Van Dyke, of counsel for the appellant, and by Mr. Delos Lake, of, counsel for the appellees, under the 20th Rule.

703	The United States vs. Pff in Error The Central Pacific Railroad Company.	Mr. J. H. Storrs filed and submitted to the consideration of the Court motion to advance this cause which was opposed by the Attorney General. Whereupon this Court not being now here sufficiently advised of and concerning what order to render in the premises took time to consider.

962	John P. Southern vs. Pff in Error John Fisher, Trustee	On motion of Mr H. H. Boyd leave is hereby granted the Clerk to issue the Mandate in this cause.

1118	The United States vs. Pff in Error The Kansas Pacific R. R. Co.	On motion of Mr. J. P. Usher it is ordered that this cause be announced & assigned for argument on Monday the 2d of December after the argument of No 736

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417 The Missouri Valley Life Insurance Company vs. Pfflin Error James Sinne

In Error to the Circuit Court of the United States for the Western District of Tennessee.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Western District of Tennessee, and on the motion of Mr. W. H. Smith, in behalf of counsel for the plaintiff in error, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed with costs.

Per Mr. Chief Justice Waite

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65 The Missouri, Kansas, and Texas Railroad Co. vs. Pfflin Error The Kansas Pacific Railroad Company.

The argument of this cause was continued by Mr. T. C. Sears, of counsel for the plaintiff in error, and by Mr. H. Beard for the defendant in error.

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock M.

Tuesday, November 12th, 1878.

Pursuant to adjournment the Court met to-day at the Capitol.

Present.

The Honorable Morrison R. Waite, Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
Ward Hunt
John M. Harlan
Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Courts opened.

On motion first made to the Court in this behalf by Mr. Wheeler H. Peckham it is ordered that George S. Lacey, Esquire, of New Orleans, State of Louisiana be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

Herman G. C. Poulsen
vs.
The State of Virginia

Mr. Jas. G. Tighe asked leave to file Bill in this cause - Whereupon this Court not being now here sufficiently advised of and concerning what orders to render in the premises took time to consider.

65- The Missouri, Kansas and Texas Railroad Company
vs. Aff in Error
The Kansas Pacific Railroad Company

The argument of this cause was continued by Mr. J. P. Usher, of counsel for the defendant in error, and concluded by Mr. W. A. Peckham, for the plaintiff in error.

66- A. J. Anthony et al
vs. Aff in Error
The Bank of Commerce of Richmond, Virginia.

The argument of this cause was commenced by Mr. W. W. Boyce, of counsel for the plaintiffs in error, continued by Mr. H. C. Earle and Mr. James Lowndes, of

Counsel for the defendant in error, and concluded by Mr. Boyce, for the plaintiffs in error.

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673 The Memphis & Charleston Railroad Co. et al vs. W. Pfff in Error Jas. L. Haines, Comptr. &c.

The argument of this cause was commenced by Mr. W. J. C. Humes, of counsel for the plaintiffs in error, and continued by Mr. J. B. Heiskell, for the defendant in error.

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Wednesday, November 13th, 1878

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Morrison R. Waite, Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
Ward Hunt
John M. Harlan
Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. J. E. McDonald it is ordered that R. S. Taylor, Esquire, of Fort Wayne, State of Indiana, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

Fred'k McHenderson et al
573. vs. Appellants
The Hinckley Locomotive Works.

Wm. R. Fosdick et al.
630 vs. Appellants
The Southwestern Car Co.
and
Wm. R. Fosdick et al
631. vs. Appellants
Michael Schall

On motion of Mr. J. E. McDonald it is ordered that the order entered in these cases on the 15th of April last be, and the same is hereby, continued in full force and effect until the 2nd Thursday in December next.

C. F. A. Dambmann, Assignee
616. vs. Appellant
A. G. King et al, Executors.

This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. Thorndike Saunders, of counsel for the appellant, and by Mr. F. A. Bangs, of counsel for the appellees, under the 30th Rule.

978 Robert Tarter vs. The State of Tennessee. | Mr. J. B. Heiskell, of counsel for the defendant in error, having filed and read in open court the following certificate, to wit:

"State of Tennessee
Supreme Court at Knoxville, Term.

Robert Tarter - In Error
vs. - Barn Burning -
The State -

In the above stated cause, I, John F. Henderick, Clerk of the Supreme Court of the State of Tennessee, for the Eastern Division of said State, at Knoxville, Tennessee, do hereby certify that on the 10th day of November 1877 in said Supreme Court of Tennessee at Knoxville a judgment was rendered in the above stated cause wherein the said Robert Tarter was adjudged guilty of barn-burning and sentenced to the penitentiary of the State for the period of fifteen years, and I do further certify that

from said judgment a writ of error was sued out and allowed on the 15th day of November, 1877, to the Supreme Court of the United States at Washington by the said Robert Tarver.

Given under my hand and the seal of said Court at Office in Knoxville this Eleventh day of November 1878.

(Seal)

J. F. Deaderick
Clerk."

and having stated that the plaintiff in error had altogether failed to file the record of said cause in this Court or in anyway to prosecute said writ of error now here moved the Court, in pursuance of the 9th rule of this Court, to have the writ of error in this cause docketed and dismissed. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause to the Supreme Court of the State of Tennessee be, and the same is hereby, docketed and dismissed with costs; And that this

cause be, and the same is hereby, remanded to the said Supreme Court to be proceeded in according to law and justice.

Per Mr. Chief Justice Waite

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673. The Memphis & Charleston Railroad Co. et al vs. Plffs in Error
Jas. L. Haines, Comptr. &c.

The argument of this cause was continued by Mr. J. B. Heiskell of counsel for the defendant in error, and concluded by Mr. W. F. C. Humes, of counsel for the plaintiffs in error.

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67. John F. Keith vs. Plff in Error
E. H. Clark, Collector of Madison Co.

The argument of this cause was commenced by Mr. George Hoadley, of counsel for the plaintiff in error, and continued by Mr. J. B. Heiskell, of counsel for the defendant in error.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Thursday, November 14th 1878.

Pursuant to adjournment the Court met to day at the Capitol.

Present.

The Honorable Morrison R. Waite, Chief Justice

Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
Ward Hunt
John M. Harlan

} Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Henry Beard it is ordered that Dwight K. Fritz, Esquire, of San Francisco, State of California, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

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74. George D. Peters vs. Appellant / D. H. Bowman et al. | On motion of Mr. Chalmers it is ordered that this cause be passed when reached in the call of the docket, on account of sickness of counsel.

67. John E. Keith vs. Plff in Error / E. N. Clark, Collector of Madison Co. | The argument of this cause was continued by Mr. J. B. Heiskell, of counsel for the defendant in error, and concluded by Mr. P. Phillips, of counsel for the plaintiff in error.

180. George Reynolds vs. Plff in Error / The United States | The argument of this cause was commenced by Mr. Ben. Sheeks, of counsel for the plaintiff in error, and continued by Mr. Attorney General Devens, of counsel for the defendant in error.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Friday, November 15th, 1878.

Pursuant to adjournment the Court met to-day at the Capitol.

Present.

The Honorable Morrison R. Waite, Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
Ward Hunt
John M. Harlan
} Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened

1878.	Robert Tartar vs. The State of Tennessee.	On motion of Mr. J. B. Heiskell it is ordered that leave be granted the Clerk to issue the Mandate in this cause.

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180. George Reynolds vs. Pltff in Error
The United States

The argument of this cause was concluded by Mr. George H. Biddle, of counsel for the plaintiff in error.

725. Wm. B. Elliot, Collector &c. vs. Pltff in Error
The East Pennsylvania R'R Co.

On motion of Mr. Asst Attorney General Smith it is ordered that this cause be re-assigned for argument on the seventh of January next after the cases already assigned for that day.

388. The United States vs. Pltff in Error
H. B. Claflin et al

and

389. The United States vs. Pltff in Error
H. B. Claflin et al

The argument of these cases was commenced by Mr. Solicitor General Phillips, of counsel for the plaintiffs in error, continued by Mr Joseph H. Choate, of counsel for the defendants in error, and concluded by Mr. Attorney General Devens, for the pltff in error.

39	D. A. Beckwith et al. vs. Plff in Error Andrew J. Bean.	On motion of Mr. Solicitor General Phillips it is ordered that this cause be substituted for No. 68, and vice versa.

39	D. A. Beckwith et al vs. Plff in Error Andrew J. Bean	The argument of this cause was commenced by Mr. Sol. Genl Phillips, of counsel for the plffs in error.

Proclamation being made the Court is adjourned until Monday next at twelve o'clock.

Monday, November 18th, 1878

Pursuant to adjournment the Court met to day at the Capitol.

Present

The Honorable Morrison R. Waite, Chief Justice
Nathan Clifford,
Noah H. Swayne
Stephen J. Field
William Strong
Joseph P. Bradley
Ward Hunt &
John M. Harlan
} Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened

E. S. C. Robertson vs. Pfiff in Error	In Error to the Circuit Court of the United States for the Western District of Texas.
46. Henry Cease	

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Western District of Texas, and was argued by counsel. On consideration whereof, it is

now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court with directions to award a new trial and for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Harlan

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510. Chester A. Arthur, Collector of the Port of New York vs. Plff in Error
Charles Moller and Paul E. Vaegnerei

In Error to the Circuit Court of the United States for the Southern District of New York

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of New York, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be, and the same is here-

by, affirmed with costs and interest, until paid, at the same rate per annum that similar judgments bear in the Courts of the State of New York.

per Mr. Justice Hunt.

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48. The Chicago and Northwestern Railway Company — vs. — Thomas Saylee. — Appellants | Appeal from the Circuit Court of the United States for the Northern District of Illinois.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Northern District of Illinois, and was argued by counsel — On consideration whereof, It is now here ordered, adjudged, and decreed, by this Court that the decree of the said Circuit Court, in this cause, be, and the same is hereby, reversed with costs; And that this cause be, and the same is hereby, remanded to the said Circuit Court with directions to dismiss the bill of complaint.

per Mr. Justice Bradley

57 The Western Union Telegraph Company vs. Henry H. Davenport

Appeal from the Circuit Court of the United States for the Southern District of Ohio.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of Ohio, and was argued by counsel On consideration whereof, It is now here ordered, adjudged and decreed by this Court that the decree of the said Circuit Court in this cause, be, and the same is hereby, affirmed with costs and interest, until paid, at the same rate per annum that similar decrees bear in the Courts of the State of Ohio.

per Mr. Justice Field

	The Western Union Telegraph Company	Appeal from the Circuit Court of the United States for the Southern District of Ohio.
58.	vs. Appellant	
	Katherine J. Davenport by her guardian E. E. Davenport.	

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of Ohio, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court in this cause be, and the same is hereby, affirmed with costs and interest, until paid, at the same rate per annum that similar decrees bear in the Courts of the State of Ohio.

Per Mr. Justice Field

George Hill Jr.	Appeal from the
54 vs. Appellant	Supreme Court of
The Farmers and Me-	the District of
chanics National Bank.	Columbia.

This cause came on to be heard on the transcript of the record from the Supreme Court of the District of Columbia, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Swayne

Edward Jonson	Appeal from the Su-
68 vs. Appellant	preme Court of the Ter-
Charles H. Hutton.	ritory of Wyoming.

This cause came on to be heard on the transcript of the record from the Supreme Court of the Territory of Wyoming, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and

decreed by this Court that the decree of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs; And that this cause be, and the same is hereby, remanded to the said Supreme Court with directions to enter a decree affirming the decree of the Court of original jurisdiction.

Per Mr. Justice Clifford.

The City of Nauvoo vs. George A. Ritter	In Error	to the Circuit Court of the United States for the Southern District of Illinois.

59.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of Illinois, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court, in this cause, be, and the same is hereby, affirmed with

costs and interest, until paid, at the same rate per annum that similar judgments bear in the Courts of the State of Illinois.

Per Mr. Chief Justice Waite.

William D. Stewart, Admr of James Stewart, decd, and Allen S. Cutts -
vs. Appellants
Solomon, Root & Company.

Appeal from the Circuit Court of the United States for the Southern District of Georgia.

417

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of Georgia, and on the motion of Mr. P. Phillips, of counsel for the appellees, to dismiss which was argued by counsel -

On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed with costs.

Per Mr. Chief Justice Waite

Dissenting
Mr. Justice Clifford.

Christian H. Dumbmann, Assignee of August May, and Aaron Berwin, Bankrupts.	Appeal from the Circuit Court of the United States for the Southern District of New York.
646— vs. Appellants,	
Albert G. King & R. B. Edell as Executors of Geo. King, decd—	

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of New York, and was argued by counsel— On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court, in this cause, be, and the same is hereby, affirmed with costs.

per Mr. Chief Justice Waite—

Herman G. C. Paulsen vs. The State of Virginia—	On consideration of the motion of Mr. Jas. G. Tighe for leave to file a bill in this cause, It is now here ordered by the Court that said motion be, and the same is hereby, denied.

per Mr. Chief Justice Waite—

703 The United States vs. Pff in Error The Central Pacific Railroad Company.	Ordered that this cause be advanced and assigned for argument on Thursday the 12th of December.

1118. The United States vs. Pff in Error The Kansas Pacific R. R. Company.	On motion of Attorney General Devens it is ordered that this cause be re-assigned for argument on Thursday the 12th of December.

781. The United States vs. Appellant The Denver Pacific Railway & Telegraph Co. and The United States 590 vs. Pff in Error The Sioux City and Pacific R.R. Co.	Ordered that these causes be advanced and assigned for argument on Thursday the twelfth of December.

The Central Pacific Railroad Company vs. Appellant Albert Gallatin.	Mr. S. H. Sanderson filed and submitted to the consideration of the Court motion to advance this cause.

972

The People Ex rel: John J. Hanenan. vs. Plff in Error The Commissioners of Taxes of the City of New York.	Mr. Fillmore, Jr., filed, in behalf of Mr. H. Charles Hellman, filed, and submitted to the consideration of the Court motion to advance this cause.

785

Brigham Young vs. Plff in Error Sarah M. Pratt	Mr. Leigh Robinson suggested the death of Brigham Young, the plaintiff in error in this cause, and moved the Court for an order substituting George Q. Cannon, Brigham Young, Jr. and Albert Carrington, Executors of the said Brigham Young as the plaintiffs in error in this cause.

783

Whereupon, It is ordered that the said George Q. Cannon, Brigham Young, and Albert Carrington, Executors of the said Brigham Young, deceased as aforesaid, be entered and made the parties plaintiffs in error in this cause in place of said Brigham Young, deceased as aforesaid, with liberty to prosecute this writ of error.

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712 The County Court of Knox Co. and Justices thereof vs. Plff's in Error
The U.S. Ex rel: George H. Harshman.

Mr. W. A. McKenney submitted to the consideration of the Court motion to recall the Supersedeas in this cause.

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203 of 1877. The City of Elizabeth et al vs. Appellants to
The American Nicolson Pavement Company.

The motion to reform the decree and Mandate in this cause was argued by Mr. P. Phillips, in support of the same, and by Mr. W. A. Beach, in opposition thereto.

517. Erasmus Nagle vs. Thomas N. Rutledge | The motion to dismiss this cause was submitted to the consideration of the Court on printed arguments by Mr. E. J. Johnson in support of the same, and by Mr. T. T. Corlett, in opposition thereto.

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39. D. A. Beckwith et al vs. Andrew J. Beard | The argument of this cause was continued by Mr. Solicitor General Phillips, of counsel for the plaintiffs in error, and by Mr. E. J. Phelps, for the defendant in error.

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Tuesday, November 19th, 1878.

Pursuant to adjournment the Court met to day at the Capitol.

Present

The Honorable Morrison R. Waite, Chief Justice
Nathan Clifford
Noah H. Swayne
Stephen J. Field
William Strong
Joseph P. Bradley
Ward Hunt
John M. Harlan
} Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. H. Hallett Phillips it is ordered that Edgar K. Wilcox, Esquire, of Cleveland, State of Ohio, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

Tuesday, November 19th, 1878, Continued.

59.	D. A. Beckwith et al. vs. Plffs in Error Andrew J. Dean	The argument of this cause was continued by Mr. E. J. Phelps, of counsel for the defendant in error, and concluded by Mr. Attorney General Devens, of counsel for the plaintiffs in error.

64.	Jacob Nirth vs. Plff in Error Calvin Branson val.	The argument of this cause was commenced by Mr. H. C. Burchard, of counsel for the plaintiff in error, and continued by Mr. S. Corning Judd, of counsel for the defendants in error, and by Mr. Burchard, for the plaintiff in error.

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock

Wednesday, November 20th, 1878.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Morrison R. Waite, Chief Justice
Nathan Clifford
Noah H. Swayne
Stephen J. Field
William Strong
Joseph P. Bradley
Ward Hunt
John M. Harlan
Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened.

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990. Albert Rebel vs. Plff in Error Salvador Mallee. | Mr. J. N. Mandeville, of counsel for the defendant in error, having filed and read in open Court the following certificate, to wit:

"Supreme Court of the Territory of Utah.
In the matter of the estate of
Dominick Berara, dec'd.

Albert Uebel
vs. Pltff in Error
Salvador Mallee
Defendant in error.

Territory of Utah, County of Salt Lake. ss.
I, C. D. Sprague, Clerk of the Supreme Court of the Territory of Utah, hereby certify that on June 3. 1878, the cause entitled "In the matter of the Estate of Dominick Berassa, deceased, Albert Uebel, Appellant, vs. Salvador Mallee, respondent, was heard in the Supreme Court of the Territory of Utah on appeal from the 3d District Court of said Territory, that on June 4th, 1878, judgment was rendered in said Court in said cause affirming the judgment of the Court below from which said appeal was taken, said judgment being in favor of said Salvador Mallee, respondent as aforesaid, that on June 14th, 1878, petition for re-hearing was filed on behalf of said Uebel; that said petition was submitted August 5, 1878, that said petition was denied by said Supreme Court of the Territory of Utah.

on the 7th day of August, 1878; that on or prior to August 14, 1878, a writ of error to the Supreme Court of the United States was duly sued out by said Albert Uebel plaintiff in error as aforesaid, and duly filed in this Court at said date and allowed herein and citation issued thereon to said Salvador Maltese citing him to be and appear at a Supreme Court of the United States to be holden at Washington on the third Monday of October next pursuant to said date to show cause why said judgment of said Supreme Court of said Territory of Utah against the said plaintiff in error should not be corrected; that in September A. D. 1878, I made a full transcript of the record, proceedings & judgment in said cause, in this Court and delivered the same at that time to F. Hoffman Esq. Attorney for said Albert Uebel appellant to said United States Court as aforesaid.

In witness whereof I here-
unto set my hand and the
(Seal) seal of said Court this 14th
day of November A.D. 1878.

E. T. Sprague
Clerk of Supreme Court
of Utah Territory.

and having stated that the plaintiff in error had altogether failed to file the record of said cause in this Court, or in anyway to prosecute said writ of error, now here moved the Court, in pursuance of the 9th Rule of this Court, to have this writ of error docketed and dismissed. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause to the Supreme Court of the Territory of Utah be, and the same is hereby, docketed and dismissed with costs; And that this cause be, and the same is hereby, remanded to the said Supreme Court to be proceeded in according to law & justice.

per Mr. Chief Justice Waite

75. The Board of Trustees of the Wabash & Erie Canal vs. J. K. Fagen, Appellants

On motion of Mr. J. E. McDonald it is ordered that this cause be, and the same is hereby, passed.

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64. Jacob Wirth vs. Alfin Error Calvin Branson et al.

The argument of this cause was concluded by Mr. H. C. Burchard, of counsel for the plaintiff in error.

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70. Waldo Marsh use of James Rees vs. Alfin Error The Citizens Insurance Company of Pittsburg.

This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. Newman and Mr. Lander, of counsel for the pl'ff in error, and by Mr. A. McCallum, of counsel for the defendant in error.

Wednesday, November 20, 1878, Continued—

71- Harmon Hall vs. Riffin in Error Jos. R. Payson, Assignee of the Republic Insurance Co. of Chicago, a Bankrupt. | In Error to the Circuit Court of the United States for the District of Massachusetts

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Massachusetts, and it appearing to the Court from the statement of counsel for the plaintiff in error on file that the matters in controversy in this cause have been agreed and settled between the parties, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed with costs.

Per Mr. Chief Justice Waite

984 The United States -vs- The International Steamship and Railway Co. of New York. | Appeal from the Court of Claims.

This cause came on to be heard on the transcript of the record from the Court of Claims, and on the motion of Mr. Asst Attorney General Smith, of counsel for the appellants, It is now here ordered and adjudged by this Court that this appeal be, and the same is hereby, dismissed.

Per Mr. Chief Justice Waite

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72 Stephen L. Newcomb -vs- John Wood, Assignee. | In Error

This cause was argued by Mr. J. M. Wilson, of counsel for the plaintiff in error, and by Mr. H. A. Smith, of counsel for the defendant in error.

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73. Bernard P. Mimmack, Appellant
vs.
The United States

The argument of this cause was commenced by Mr. Albert Pike, of counsel for the appellant, continued by Mr. Attorney Genl Devens, of counsel for the appellees, and concluded by Mr. Pike, for the appellant.

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Thursday, November 21, 1878.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Morrison R. Waite, Chief Justice
Nathan Clifford
Noah H. Swayne
Stephen J. Field
William Strong
Joseph P. Bradley
Ward Hunt
John M. Harlan
} Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened.

711	Robert Ervin vs. The United States	This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. Totten and Mr. Reed, of counsel for the appellant, and by Mr. Asst Atto. Genl Smith, of counsel for the appellee under the 20th Rule

Thursday, November 21st, 1878, continued.

74. George D. Peters -vs- D. W. Bowman et al. — Appellant | Ordered that this cause be, and the same is hereby, passed, on account of sickness of counsel.

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68. James A. Alvord, Franklin Shibler, James Baker, John Wood, & Loyal P. Brown. -vs- The United States. — In Error to the Supreme Court of the Territory of Idaho.

This cause came on to be heard on the transcript of the record from the Supreme Court of the Territory of Idaho, and the plaintiffs in error having been three times solemnly called by the Marshal to come into Court and prosecute their writ of error, and failing to appear, It is thereupon, in pursuance of the 16th Rule of this Court, and on the motion of Mr. Solicitor General Phillips, of Counsel for the defendant in error, now here ordered and adjudged by this Court that this cause be, and the same is hereby, dismissed; And that this cause be, and the

same is hereby remanded to the said Supreme Court to be proceeded in according to law and justice.

Per Mr. Chief Justice Waite.

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76. R. P. Stoll, Collr &c. vs. Robert P. Pepper. | In Error

This cause was argued by Mr. Solicitor General Phillips, of counsel for the plaintiff in error, and submitted on printed argument by Mr. P. H. Bullitt, for the defendant in error.

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77. James B. Kerner vs. Daniel Trigg, Assignee &c. | Appellant

This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. Jas. A. Gilmore, of counsel for the appellant, and by Mr. Jno. H. Johnston, of counsel for the appellee.

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78. Samuel L. Lyon vs. Franz Pollock &al. | Appellant

This cause was submitted to the consideration of the Court on the record and printed

argument by Phillips & Phillips, of counsel for the appellant. No counsel appearing for the appellees.

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79. The Steamship "J. H. Everman" vs. Joseph Paul et al. — Appellant

This cause was submitted to the consideration of the Court on the record, and printed argument by Mr. W. W. Old, of counsel for the appellees, no counsel appearing for the appellant.

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81. Wm. T. Garratt vs. Nicholas Seibert — Appellant

This cause was argued by Mr. M. A. Wheaton, of counsel for the appellant, and by Mr. A. H. Evans, for the appellee.

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82. William K. Davis et al vs. B. F. Briggs et al. — Appellants

The argument of this cause was commenced by Mr. James Lowndes, of counsel for the appellants.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock M.

Friday, November 22. 1878.

Pursuant to adjournment the Court met to day at the Capitol.

Present

The Honorable Morrison R. Waite, Chief Justice

Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
Ward Hunt
John M. Harlan

} Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened

On motion first made to the Court in this behalf by Mr. H. S. Foote it is ordered that L. C. Houk, Esquire, of Knoxville, State of Tennessee, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

903	James J. Storrow et al vs. The New Bedford Institution for Savings.	Appeal from the Circuit Court of the United States for the Southern District of Ohio.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of Ohio and on the stipulation of counsel on file and motion of Mr. R. T. Merrick, in behalf of counsel, It is now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed - Each party paying their own costs.

Per Mr. Chief Justice Waite

903	Jas. J. Storrow et al. vs. The New Bedford Institution for Savings.	On motion of Mr. R. T. Merrick, in behalf of counsel, it is ordered that leave be granted, the Clerk to issue the Mandate in this cause

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8.	Geo E. Mallingly et al. vs. The Dist. of Columbia et al. and The First National Bank of New York et al vs. Abner C. Shoemaker.	Ordered by the Court that these causes be re-assigned for re-argument on Monday, December 2d, after the argument of No. 736.
239		

392	Jos. W. Parish et al vs. The United States	Mr. R. P. Lowe, of counsel for the appellants filed and submitted to the consideration of the Court motion to advance this cause.

82	Wm. K. Davis et al vs. B. F. Briggs et al.	The argument of this cause was continued by Mr. James Lowndes, of counsel for the appellants, by Mr. S. F. Phillips, of counsel for the appellees, and concluded by Mr. McCready, for the appellants.

83.	Adelaide Snyder et al -vs. Rff in Error Jhes. Sickles et al.	The argument of this cause was commenced by Mr. Montgomery

Blair, of counsel for the plaintiffs in error.

Proclamation being made the Court is adjourned until Monday next at twelve o'clock.

Monday, November 25, 1878.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Morrison R. Waite, Chief Justice

Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
Ward Hunt
John M. Harlan

} Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened

On motion first made to the Court in this behalf by Mr. R. D. Benedict it is ordered that Wilhelmus Meynderse, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. R. T. Merrick it is ordered that Alex. M. Clayton, Esquire, of Lumar, Benton County, State of Mississippi, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

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66 — H. J. Anthony, Thomas R. Price and William Smith, Commissioners of the County of Pickens. vs. Plffs in Error
The Bank of Commerce of Richmond, Virginia.

In Error to the Circuit Court of the United States for the District of South Carolina

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of South Carolina, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause, be, and the same is hereby

affirmed with costs and interest, until paid at the same rate per annum that similar judgments bear in the Courts of the State of South Carolina.

Per Mr. Justice Hunt.

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63. The Giant Powder Company vs. The California Powder Works, Jno. H. Baird, A. G. Kittle, John O. Earl, J. B. Haggin, G. P. Lawton, Thomas Powning, Wm. Wilson, and John Meerlander. Appellant. Appeal from the Circuit Court of the United States for the District of California.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of California, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court with directions

to enter a decree in conformity with the opinion of this Court.

Per Mr. Justice Bradley

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203 of 1877 — The City of Elizabeth et al vs. The American Nicolson Pavement Company. | Appellants | On consideration of the motion to amend the decree and Mandate in

this cause and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said motion be, and the same is hereby, denied.

Per Mr. Justice Bradley

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47 — The Second National Bank of St. Louis vs. The Grand Lodge of the State of Missouri of Free and Accepted Ancient Masons | Plff in Error | In Error to the Circuit Court of the United States for the Eastern District of Missouri.

This cause came on to be heard on the tran

script of the record from the Circuit Court of the United States for the Eastern District of Missouri, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Strong.

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60. Theodore A. Kendig, v. Thompson Dean. Appellant | Appeal from the Circuit Court of the United States for the Western District of Tennessee

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Western District of Tennessee, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court, in this cause, be, and the same is hereby, reversed with costs; And that this cause be, and the same is hereby, remanded to

the said Circuit Court with directions to dismiss the bill without prejudice.

per Mr. Justice Miller.

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30. Hamilton Bates and Daniel L. Bates vs. C. W. Coe. | Appeal from the Circuit Court of the United States for the Southern District of Ohio.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of Ohio, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court, in this cause, be, and the same is hereby, affirmed with costs and interest, until paid, at the same rate per annum that similar decrees bear in the Courts of the State of Ohio.

per Mr. Justice Clifford.

51.	Harlow Barney vs. Riffin & J. N. Dolph.	In Error to the Supreme Court of the State of Oregon.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Oregon, and was argued by counsel. On consideration whereof, it is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

per Mr. Chief Justice Waite.

79.	The Steamship "J. W. Everman", The Merchants & Peoples Transportation Line, Claimant- vs. Joseph Paull and E. G. Pallott, Benjamin G. Arnold, L. K. Greene, Christian T. Christiansen, and F. B. Arnold, partners as B. G. Arnold & Co., and The Orient Mutual Insurance Company.	Appeal from the Circuit Court of the United States for the Eastern District of Virginia.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Virginia, and was argued by Counsel - On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court, in this cause, be, and the same is hereby, affirmed with costs and interest from the date of the decree of the Circuit Court, until paid, at the same rate per annum that decrees bear in the Courts of the State of Virginia.

Per Mr. Chief Justice Waite.

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517 Erasmus Nagle vs. Plff in Error
Thomas H. Ruffledge

Ordered that the motion to dismiss this writ of error be, and the same is hereby, postponed until the hearing of the cause upon its merits.

The Central Pacific Railroad Company vs. Appellant 972 Albert Gallatin	On consideration of the motion to advance this cause It is now here ordered that said motion be, and the same is hereby, denied, without prejudice to its renewal, if the United States, the real parties interested in maintaining the validity of the statute which is said to be in question, shall unite with the parties to the suit in making the application. Per Mr. Chief Justice Waite

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L. H. Meyer val. Trustee- 500 -vs. Plffs in Error The Delaware R.R. Construction Co.	On consideration of the motions to dismiss the writs of error or affirm the judgments in these cases, It is ordered that said motions be, and the same are
Wm. Dennison val. Trustee- 609 vs. Plffs in Error Benjamin Burch et al. And Wm. Dennison val. Trustee- 615 vs. Plffs in Error Benjamin Burch et al	

hereby, denied.

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785. The People ex rel: John T. Hanemann vs. Olffin. Error to The Commissioners of Taxes of the City of New York.

On consideration of the motion to advance this cause, It is now here ordered by the Court that said motion be, and the same is hereby, denied;

per Mr. Chief Justice Waite

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392. Joseph M. Parish et al. vs. The United States.

Appellants

On consideration of the motion to advance this cause, It is now here ordered by the Court that said motion be, and the same is hereby, denied.

per Mr. Chief Justice Waite

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74. George D. Peters vs. D. N. Bowman et al.

Appellant

Mr. N. T. Elliott suggested the death of D. N. Bowman, one of the appellees in this cause.

916	W. K. Ingersoll, Assignee &c. vs. Appellant Mary L. Bourne.	The motion to dismiss this cause was submitted to the consideration

of the Court on the printed arguments by Mr. P. Phillips and Mr. G. Gordon Adam in support of the same.

917	Wm. D. Stewart et al vs. Appellants Salomon, Loot & Co.	On motion of Mr. P. Phillips ordered that leave be granted the Clerk

to issue the Mandate in this cause.

51	Harlow P. Barney vs. Plff in Error J. N. Dolph	On motion of Mr. J. H. Mitchell ordered that leave be granted the Clerk

to issue the Mandate in this cause.

344	Pryor N. Coleman vs. Plff in Error The State of Tennessee	On motion of Mr. L. C. Houk it is ordered that this

cause be assigned for argument on the 2d of December

after the argument of Nov. 8 and 23d.

201.	F. M. Goodrich vs. Logan Hunton	Appellant	On motion of Mr. C. K. Homer it is ordered that David A. Barrow, Administrator of the estate of F. M. Goodrich, deceased, be entered and made the party appellant in this cause with liberty to prosecute this appeal.

3.	Ex-parte: Samuel Schwab	Petitioner	The motion for a rule on the Judges of the Circuit Court of the United States for the Eastern District of Michigan or to the District Judge sitting as a Circuit Court requiring them to show cause why a Mandamus should not issue against them &c. was argued by Mr. Don M. Dickinson in support of the same.

190.	William S. Lincoln and Charles D. Willard vs. George B. Abrams.	In Error to the Supreme Court of the District of Columbia.

This cause came on to be heard on the transcript of the record from the Supreme Court of the District of Columbia, and on the stipulation of counsel on file and motion of Mr. S. R. Bond, of counsel for the defendant in error, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed with costs.

per Mr. Chief Justice Waite

43.	Wm. A. Gifford et al. vs. John P. Helms, Admr &c of James Bankhead, dec'd	Appellants On motion of Mr. M. Blair leave is hereby granted the Clerk to issue the Mandate in this cause.

913- The Steamtug "Restless" &c. vs. Augustus B. Perry et al. Appellant

The motion for a supersedeas in this cause was argued by Mr. W. K. Beebe, in support of the same, and by Mr. R. D. Benedict and W. Mynderse in opposition thereto.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Tuesday, November 26, 1878.

Pursuant to adjournment the Court met to-day at the Capitol.

Present.

The Honorable Morrison R. Waite, Chief Justice

Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
Ward Hunt
John M. Harlan.

} Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened

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3. The United States vs. Appellant / The Union Pacific Railroad Co. et al.

Mr. S. Bartlett, of counsel for the appellees, suggested the death of Benjamin E. Bates, one of the appellees in this cause, and moved the Court for leave to enter the appearance of Sarah C. Bates, Executrix, and Henry

Hammond Executor of said Benjamin E. Bates, deceased, as parties appellees in this cause. Whereupon, It is ordered that Sarah C. Bates, Executrix, and Henry B. Hammond, Executor of Benjamin E. Bates, deceased, as aforesaid, be entered and made appellees in this cause.

The United States vs. The Union Pacific Railroad Co. et al.	Mr. S. Bartlett, suggested the death of Ezra A. Baker, one of the appellees in this cause, and

3-

moved the Court for leave to enter the appearance of Ezra A. Baker, Administrator of said Ezra A. Baker, deceased, as one of the parties appellees in this cause. Whereupon, It is ordered that Ezra A. Baker, Admr of said Ezra A. Baker, deceased, as aforesaid, be entered, and made a party appellee in this cause.

3.	The United States vs. The Union Pacific Railroad Co. et al.	Appellant

On motion of Mr. S. Bartlett, It is ordered that Sarah L. Ames, Frederick L. Ames, Ellen A. Ames, and Cyrus Luthrop, Executrixes & Executors of Oliver Ames, deceased, be entered and made appellees in this cause in place of said Oliver Ames, deceased.

83.	Adelaide Snyder et al vs. Theodore Sickles et al.	Plff in Error

The argument of this cause was continued by Mr. P. Phillips, of counsel for the defendants in error, and concluded by Mr. Britton A. Hill, for the plaintiff in error.

84.	Henry Cox et al vs. Sarah A. Hill, Admx.	Plff in Error

This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. M. H. Fuller, of counsel for the plaintiffs

in error, and by Mr. Robert Harvey, for the defendant in error.

3.	The United States vs. Appellant The Union Pacific R.R. Co. et al.	The argument of this cause was commenced by Mr. Solicitor General Phillips, of counsel for the appellant

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Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Wednesday, November 27th, 1878.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Morrison R. Waite, Chief Justice.

Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
Ward Hunt
John M. Harlan
} Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Newley Middleton, Clerk.

Proclamation being made the Court is opened

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74 George D. Peters vs. Appellant / N. H. Elliott, Admr &c. | This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. J. L. Chalmers and Mr. M. L. Woods, of counsel for the appellant, and by Mr. A. T. Ellett, of counsel for the appellee.

3. The United States vs. Appellant / The Union Pacific Railroad Co. et al. | The argument of this cause was continued, by Mr. W. G. Russell Gad, Mr. Sidney Bartlett, of counsel for the appellees, and concluded by Mr. Attorney General Devens, for the appellant.

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85 The American Emigrant Company vs. Appellant / The County of Adams. | The argument of this cause was commenced by Mr. A. M. Hubbard, of counsel for the appellant.

Proclamation being made the Court is adjourned until Monday next at twelve o'clock.

Monday, December 2, 1878.

Pursuant to adjournment the Court met to-day at the Capitol.

Present.

The Honorable Morrison R. Waite, Chief Justice

Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
Ward Hunt
John M. Harlan

Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk

On motion first made to the Court in this behalf by Mr. P. Phillips it is ordered that John T. Harcourt, Esquire, of Galveston, State of Texas, and Skipwith Wilmer, Esquire, of Baltimore, State of Maryland, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Julian Hartridge it is ordered that Hallie S. Bisholm, Esquire, of Savannah, State of Georgia, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

	William R. Davis, Mary F. Woolf, and her husband, Stephen McP. Woolf, John McKenzie et al.	Appeal from the Circuit Court of the United States for the Western District of North Carolina.
82.	vs. Appellants	
	B. F. Briggs, John O. Peters, James Sloan et al.	

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Western District of North Carolina, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court, in this cause be, and the same is hereby, affirmed with costs. Per Mr. Justice Harlan

62 — The County of Johnson in the State of Missouri vs. Plff in Error / Joseph T. Thomas. | In Error to the Circuit Court of the United States for the Eastern District of Missouri

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Missouri, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court, in this cause, be, and the same is hereby, affirmed with costs and interest, until paid, at the same rate per annum that similar judgments bear in the Courts of the State of Missouri.

Per Mr. Justice Hunt

Dissenting:
Mr. Justice Miller
" " Field
" " Bradley
" " Harlan.

69 Jacob Wirth vs. Pltff in Error Calvin Branson & Nathan Lindsey.	In Error to the Circuit Court of the United States for the Southern District of Illinois.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of Illinois, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court, in this cause, be, and the same is hereby, affirmed with costs

Per Mr. Justice Bradley

The United States 388 vs. Pltff in Error Horace B. Claflin, John Claflin, Edward E. Eames, Horace J. Fairchild, William L. Dunn, Dexter A. Foreel, Daniel Robinson & Wm. Halsall.	In Error to the Circuit Court of the United States for the Southern District of New York.

This cause came on to be heard on the tran-

script of the record from the Circuit Court of the United States for the Southern District of New York, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court, in this cause, be, and the same is hereby, affirmed.

Per Mr. Justice Strong

389 The United States vs. Horace B. Claflin, John Claflin, Edward C. Eames, Horace J. Fairchild, William S. Dunn, Peter N. Force, & Daniel Robinson & Wm. H. Tidell. | In Error to the Circuit Court of the United States for the Southern District of New York.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of New York, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court

in this cause, be, and the same is hereby, affirmed.

Per Mr. Justice Strong

81.	William T. Garratt vs. Appellee in Error Nicholas Seibert	Appeal from the Circuit Court of the United States for the District of California

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of California, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Strong

701.	Robert Erwin vs. The United States	Appeal from the Court of Claims

This cause came on to be heard on the transcript of the record from the Court of Claims and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Court of Claims, in this cause, be, and the same is hereby, affirmed.

Per Mr. Justice Field.

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67. John G. Keith vs. Plffs in Error / E. N. Clark, Collector of State and County Revenue for Madison County. | In Error to the Supreme Court of the State of Tennessee.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Tennessee, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs; and

that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings to be had therein in conformity with the opinion of this Court.

Per Mr. Justice Miller.

Dissenting;
Mr. Chief Justice Waite
Mr. Justice Bradley
Mr. Justice Harlan.

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72 Stephen L. Newcomb, Plff in Error vs. John Wood, Assignee of Philip E. Robertson, a bankrupt

In Error to the Circuit Court of the United States for the Southern District of Ohio.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of Ohio, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court, in this cause, be, and the

same is hereby, affirmed with costs.

per Mr. Justice Swayne.

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77 James B. Keener
vs. Appellant
Daniel Trigg, Assignee
of Philip Keener, Jas.
C. Greenway, Admr of
Jno. C. Greenway, dcsd, N.
H. Hilmer, Guardian vs. Jas.
Orr and James H. Orr.

Appeal from the Circuit Court of the United States for the Western District of Virginia.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Western District of Virginia, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court, in this cause, be, and the same is hereby, affirmed with costs.

per Mr. Justice Swayne.

Bernard P. Minnnack 73. vs. Appellant The United States	Appeal from the Court of Claims.

This cause came on to be heard on the transcript of the record from the Court of Claims, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Court of Claims, in this cause, be, and the same is hereby, affirmed.

Mr. Justice Clifford.

The Memphis & Charleston Railroad Co; The Mobile & Ohio R.R. Co.; and The Knoxville & Charleston Railroad Co. 673. vs. Plffs in Error Jas. L. Gaines, Comptroller of the State of Tennessee.	In Error to the Supreme Court of the State of Tennessee.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Tennessee, and was argued by counsel. On consideration

whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

per Mr. Chief Justice Waite

Richard P. Stoll, Collector, and A. H. Bowman, Deputy Collector of Internal Revenue. vs. Robert P. Pepper. | In Error to the Circuit Court of the United States for the District of Kentucky.

76.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Kentucky, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court, in this cause, be, and the same is hereby, affirmed with costs and interest, until paid, at the same rate per annum that similar judgments bear in the Courts of the State of Kentucky. per Mr. Chief Justice Waite

W. K. Ingersoll, Assignee in bankruptcy of Joseph W. Mayfield, as Bankrupt. -vs- Appellant Mary L. Bourne.	Appeal from the Circuit Court of the United States for the Southern District of Mississippi.

416.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of Mississippi and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed with costs.

Per Mr. Chief Justice Waite

The County Court of Knox County & Justices thereof. -vs- Plff in Error The U. S. Exrel: Georg W. Harshman.	On consideration of the motion to vacate the Supersedeas in this cause, It is ordered

712.

that the Supersedeas be vacated unless the plaintiff in error shall, on or before

the first Monday in January next, file with the Clerk of this Court a new bond in the penal sum of twenty thousand dollars with good and sufficient security conditioned according to law.

per Mr. Chief Justice Waite

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171 of 1877. Hiram Deering et al. vs. Gregory A. Perdicaris et al. Appellants

On consideration of the motion to recall the Mandate and reform the decree in this cause, It is now here ordered by the Court that said motion be, and the same is hereby, denied.

per Mr. Chief Justice Waite.

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141. Charles W. Kirtland vs. Riffin in Error L. L. Hotchkiss.

On motion of Mr. A. E. Davies Jr. It is ordered that this cause be passed when reached.

Hiram Rogers
-vs- Appellant
Robert Reade
and
Same -vs- Same.

Mr. Charles King, of counsel for the appellee, presented the certificates of the Clerk and moved the Court that these appeals from the Circuit Court of the United States for the District of Minnesota be docketed and dismissed pursuant to the 9th Rule of this Court. Whereupon this Court not being now here sufficiently advised of and concerning what order to render in the premises took time to consider.

C. F. A. Rumbmann,
Assignee
646 -vs- Appellant
A. G. Kingoral, Executor -vs-

On motion of Mr. C. N. Bangs ordered that leave be granted the Clerk to issue the Mandate in this cause.

C. A. Arthur, Coll'r -vs-
85 -vs- Aff'in Error
Thomas Draper

On motion of Mr. Asst Atty Genl Smith. Ordered that leave be granted the Clerk to issue the

Mandate in this cause.

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686 Wallace Wilkerson vs. Plff in Error The People of the U. S. in the Territory of Utah

On motion of Mr. Asst Attorney General Smith it is ordered that this cause be advanced and assigned for argument on the 7th of January after the causes already assigned for that day.

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96 Jesse D. Carr vs. Appellant The United States

On motion and consent of the respective counsel, It is ordered that this cause be substituted for No. 86 and vice versa.

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714 The City of Little Rock vs. Plff in Error The Merchants National Bank of Little Rock.

This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. M. M. Rose, of counsel for the plaintiff in error, and by Mr. John McClure and Mr. T. D. W. Yonley, for

the defendant in error, under the 20th Rule.

85- The American Emigrant Company vs. The County of Adams. Appellant

The argument of this cause was continued by N. M. Hubbard, of counsel for the appellant, and by Mr. F. M. Davis, of counsel for the appellee.

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Tuesday, December 3, 1878.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Morrison R. Waite, Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
Ward Hunt
John M. Harlan
Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened

On motion first made to the Court in this behalf by Mr. Attorney General Devens it is ordered that Henry Wendell Thomson, Esquire, of Chicago, State of Illinois, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. S. Shellabarger it is ordered that Lewis A. Brigham, Esquire, of Jersey City, State of New Jersey, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

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984. The United States vs. Appellant
The International Steamship & Railway Supply Co. of New York.

On motion of Mr. S. Shellabarger, ordered that leave be granted the Clerk to issue the Mandate in this cause.

648. John Rock - vs. Pltff in Error
The City of Rock Island.

This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. C. B. Waite, of counsel for the plaintiff in error, and by Mr. N. C. Goudy, for the defendant in error, under the 32d Rule.

Tuesday, December 3, 1878, continued

The American Emigrant Company - Appellant 85. vs. The County of Adams.	The argument of this cause was continued by Mr. F. M. Davis & Mr. R. P. Lowe, of counsel for the appellee, and concluded by Mr. J. A. Harvey, for the appellant.

The Union Pacific R.R. Co. Appellant 136. vs. The United States	The argument of this cause was commenced by Mr. Sidney Bartlett, of counsel for the appellant.

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Wednesday, December 4, 1878.

Pursuant to adjournment the Court met to-day at the Capitol.

Present.

The Honorable Morrison R. Waite, Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
Ward Hunt
John M. Harlan
} Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk

Proclamation being made the Court is opened.

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80. Charles H. Dalton in. Appellant
Thomas Davis.

On motion of Mr. R. T. Merrick, leave is hereby granted the Clerk to issue the Mandate in this cause.

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736 The Union Pacific R.R. Co. vs. The United States. Appellant

The argument of this cause was continued by Mr. Sidney Bartlett, of counsel for the appellant, by Mr. Attorney General Devens, of counsel for the appellee, and concluded by Mr. Bartlett, for the appellant and submitted by Mr. J. K. McCammon, special counsel for the U. S.

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540 The United States vs. In Error The Sioux City and Pacific R.R. Co

This cause was submitted to the consideration of the Court on the transcript of the record, and printed briefs filed in No. 736 by Mr. Sidney Bartlett and Mr. Attorney General Devens.

Wednesday, December 4th, 1878. Continued

8.	George E. Mattingly et al vs. Appellants The District of Columbia et al. And The First National Bank of New York et al. vs. Appellants Abner C. Shoemaker.	The argument of these cases was commenced by Mr. A.G. Riddle, of counsel for the District of Columbia.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Thursday, December 5th, 1878.

Pursuant to adjournment the Court met to-day at the Capitol.

-Present-

The Honorable Morrison R. Waite, Chief Justice

Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
Ward Hunt
John M. Harlan

} Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Lyman Trumbull it is ordered that Hiram Barker Jr., Esquire, of Chicago, State of Illinois, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

Thursday, December 5th, 1878, Continued—

8— George E. Mattingly et al
vs. Appellants
The District of Columbia et al.
And
The First National Bank
of New York et al
239— vs. Appellants
Abner C. Shoemaker—

The argument of these causes was continued by Mr. A. G. Riddle, of counsel for the District of Columbia, by Mr. T. A. Lambert, of counsel for the appellants in No. 8, and for the appellee in No. 239, and by Mr. W. A. Cook, of counsel for the appellants in No. 239.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Friday, December 6th, 1878.

Pursuant to adjournment the Court met to day at the Capitol.

Present.

The Honorable Morrison R. Waite, Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
Ward Hunt
John M. Harlan
Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Hon. F. Kernan, it is ordered that Hiram D. Purdy and Clayton M. Parke, Esquires, of Hoversville, State of New York, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Hon. T. O. Howe it is ordered that M. Daniel Connolly, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

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8. George E. Hallingly et al. vs. The District of Columbia et al. — Appellants

239 The First National Bank of New York et al. vs. Abner C. Shoemaker — Appellants

The argument of this cause was continued by Mr. W. A. Cook and Mr. H. S. Cox, of counsel for the appellants in No. 239, and concluded by Mr. R. T. Merrick, of counsel for the appellants in No. 8, and for the appellee in No. 239.

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816. Dewitt C. Farrell et al. vs. The United States — Plffs in Error

Mr. Assistant Attorney General Smith filed and submitted to the consideration of the Court motion to

advance this cause.

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227. The United States vs. Walter Pugh, Appellant | This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. Asst Attorney General Smith, of counsel for the appellant, and by Mr. Edward Jenins, of counsel for the appellee, under the 32d Rule

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344. Pryor N. Coleman vs. The State of Tennessee, Plff in Error | The argument of this cause was commenced by Mr. L. C. Houck, of counsel for the plaintiff in error.

Proclamation being made the Court is adjourned until Monday next at twelve o'clock.

Monday, December 9th, 1878.

Pursuant to adjournment the Court met to day at the Capitol.

Present.

The Honorable Morrison R. Waite, Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
Ward Hunt
John M. Harlan
Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. S. Shellabarger it is ordered that Alfred C. Phelps, Esquire, of Denver, State of Colorado, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. N. Eden it is ordered that George N. Parker, Esquire, of Robinson, State of Illinois, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. P. Phillips it is ordered that James Taylor Jones, Esquire, of Demopolis, State of Alabama, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James Grant it is ordered that Charles A. Clark, Esquire, of Cedar Rapids, State of Iowa, and Joseph Shippen, Esquire, of St. Louis, State of Missouri, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

Henry Cox and Frederick H. Larter
84 vs. } In Error to the Circuit Court of the United States for the Northern District of Illinois.
Sarah A. Hill, Administratrix of Robert Hill, deceased.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Northern District of Illinois, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Hunt.

The United States
207 vs. } Appeal from the Circuit Court of the United States for the District of California.
Samuel R. Throckmorton, Volney E. Howard, Edmond L. Todd, & James B. Haggin

This cause came on to be heard on the

transcript of the record from the Circuit Court of the United States for the District of California, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court in this cause, be, and the same is hereby, affirmed.

per Mr. Justice Miller

George B. Peters 7th -vs- Appellant W. F. Elliott, Administrator of Jonathan Bostick, deceased.	Appeal from the District Court of the United States for the Northern District of Mississippi.

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of Mississippi, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said District Court, in this cause, be, and the same is hereby, affirmed with

costs and interest, until paid, at the same rate per annum that similar decrees bear in the Courts of the State of Mississippi.

Per Mr. Justice Swayne.

Adelaide Snyder, Alice Stanford, Home Stanford, William T. Coleman, Montgomery Blair and Thomas Ewing - vs. - Appellees in Error

83 - Theodore Sickles and William J. Lewis.

In Error to the Circuit Court of the United States for the Eastern District of Missouri

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Missouri, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court, in this cause, be, and the same is hereby affirmed with costs.

Per Mr. Justice Clifford.

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70. Waldo Marsh for use of James Rees vs. vs. Affin Error The Citizens Insurance Company of Pittsburgh. | In Error to the Supreme Court of the State of Pennsylvania

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Pennsylvania, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Waite

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413. The Tauntey "Restless" vs -vs. Appellants Augustus B. Perryetal. | On consideration of the motion for a restraining order or a

supersedeas in this cause, It is ordered that said motion be, and the same is hereby, denied.

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816. Dewitt C. Farrell et al vs. Plffs in Error
The United States -

On consideration of the motion to advance this cause, it is now here ordered that said motion be, and the same is hereby, granted; and that the cause be assigned for argument the 13th January

Hiram Rogers et al vs. Appellants
Robert Reade -
And
Hiram Rogers et al vs. Appellants
Robert Reade -

On consideration of the motion to docket and dismiss these cases, It is ordered that said motion be, and the same is hereby, denied;

100. John T. Wilson vs. Plff in Error
J. N. Goodrich, Assignee -

Mr. A. H. Garnett, of counsel for the defendant in error, suggested the bankruptcy of John T. Wilson, the plaintiff in error in this cause, and moved the Court for an order requiring the Assignees of said bankrupt, John O. Teele and George A. Miner, to appear and prosecute this

action in this Court. Whereupon this Court not being now here sufficiently advised of and concerning what order to render in the premises took time to consider.

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660. Samuel Kahn vs. The Central Smelting Company et al. Appellant

On motion of Mr George A. Williams it is ordered that leave be, and the same is hereby granted him to file the petition for appeal, order allowing the same, and a certified copy of the appeal bond in this cause, as an amendment to the record.

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634. The Bank of the Old Dominion vs. Jas. H. & Wm. H. McVeigh. Plff in Error

The motion to dismiss this cause was submitted to the consideration of the Court on the printed arguments of Mr. R. Phillips and Mr. C. Robinson, in support of the same, and by Mr. H. O. Claughton, in opposition thereto.

901. S. D. Whitney et al vs. Plff's in Error
J. Reese Cook, guardian &c

Mr. P. Phillips suggested the death of J. Reese Cook, guardian of Alexander H. Cook, William V. D. Cook, and Edwin R. Cook, minors, defendant in error in this cause, and moved the Court that the cause abate as to said J. Reese Cook, deceased, and be revived in the names of said minors, Alexander H. Cook, William V. D. Cook and Edwin R. Cook as defendants in error in this cause. Whereupon, it appearing to the Court that the said minors have attained their majority, It is ordered that this cause do abate as to said J. Reese Cook, guardian, deceased as aforesaid, and be revived in the names of Alexander H. Cook, Wm. V. D. Cook, and Edwin R. Cook, defendants in error, in this cause, in this Court.

Wm K. Ingersoll, Appellant vs. Appellant 94 Mary L. Bourne et al.	On motion of Mr. P. Phillips, Ordered that leave be

granted the Clerk to issue the Mandate in this cause.

The Northwestern University vs. Plff in Error 84 The People Ex rel. H. B. Miller, Treasurer &c.	The motion to dismiss this cause was submitted to the consideration of the

Court on printed arguments by Mr. J. K. Edsall, in support of the same, and by Mr. M. N. Carpenter and Mr. Hirt Dexter, in opposition thereto.

George Hill Jr. vs. Appellant 54 The Farmers and Mechanics National Bank.	On motion of Mr. C. M. Matthews, ordered that leave be granted the Clerk to issue the Mandate in this cause.

1035 — Lafayette County vs. Cochran Fleming — Error

Mr. Joseph Shippen, of Counsel for the defendant in error, having filed and read in open Court the following certificate, to wit:

"United States of America } ss.
Western District of Missouri }

I, Henry C. Geisberg, Clerk of the Circuit Court of the United States in and for said district, do hereby certify that on the 4th day of November A.D. 1875, at a regular term of said Court begun and held according to law, a judgment was rendered in a cause then pending in said Court between Cochran Fleming, Plaintiff, and Lafayette County, in the State of Missouri, defendant, as follows: —

"It is therefore considered by the Court that the plaintiff, Cochran Fleming, recover against the defendant, The County of Lafayette, in the State of Missouri, the sum of ten thousand six hundred and thirty-six dollars and eleven cents ($10,636.11)

the amount found to be due as aforesaid together with his costs herein expended and that execution issue therefor.

Mem. This judgment bears interest at 10% per annum.

That on the 12th day of August A.D. 1876, the said defendant sued out a writ of error, according to law to reverse the judgment above set forth and a citation was duly allowed and issued and served upon the Attorney of record of the said plaintiff; and that the said writ with the return of the Clerk thereon, together with the said Citation and a transcript of the record and proceedings in said cause under the seal of said Court was delivered to the Attorney of record of said defendant for transmission to the Clerk of the Supreme Court of the United States.

Witness my hand and the seal of said Court. Done at office in the City of Jefferson in said District this fourth day of December A.D. 1878.

(Seal)

H.C. Eisberg, Clerk
By Warren Watson D.C."

and having stated that the plaintiff in error had altogether failed to file the record of said cause in this Court or in anyway to prosecute said writ of error, now here moved the Court, in pursuance of the 9th Rule of this Court to have the writ of error in this cause docketed and dismissed — On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause to the Circuit Court of the United States for the Western District of Missouri be, and the same is hereby, docketed and dismissed with costs; And that this cause be, and the same is hereby, remanded to the said Circuit Court to be proceeded in according to law and justice.

Per Mr. Chief Justice Waite

James M. Fomeny, Fanny A. Fomeny, William M. Farrington & Wm. A. Fitch Jr. vs. The Memphis & Ohio Railroad Co., & the Louisville & Nashville Railroad Co. 1036. Appellants

Mr. W. A. Phillips, of counsel for the appellees, having filed and read in open Court the following

certificate, to wit:

"In the Circuit Court of the United States for the Western District of Tennessee.

The Memphis & Ohio Rail Road Company, & the Louisville & Nashville Railroad Company. vs. James M. Fomeny, Fannie A. Fomeny, Wm. M. Farrington, and Wm. A. Fitch Jr. No. 574

I, Bell M. Etheridge, Clerk of the Circuit Court of the United States for the Western District of Tennessee, do hereby certify that in the above stated cause recently pending in said Court

there was entered a final Decree in favor of the complainants on the 13th day of February, 1878, from which an appeal to the Supreme Court of the United States was duly sued out and allowed on 7th day of March, 1878, when an appeal bond was duly filed and approved by the Court.

Witness my hand and the Seal of said Court this November 18th, 1878.

(Seal)

Bell H. Etheridge
C.C.K."

and having stated that the appellants have altogether failed to file the record of said cause in this Court or in anyway to prosecute said appeal, now here moved the Court, in pursuance of the 9th Rule of this Court, to have this appeal docketed and dismissed. Whereupon, It is now here ordered, adjudged, and decreed by this Court that this appeal from the Circuit Court of the United States for the Western District of Tennessee be, and the same is hereby, docketed

and dismissed with costs; And that this cause be, and the same is hereby, remanded to the said Circuit Court to be proceeded in according to law and justice.

Per Mr. Chief Justice Waite

Pryor A. Coleman
344 vs. Plff in Error
The State of Tennessee.

The argument of this cause was continued by Mr. J. B. Heiskell, of counsel for the defendant in error, and by Mr. H. S. Foote, for the plaintiff in error

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Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Tuesday, December 10, 1878.

Pursuant to adjournment the Court met to-day at the Capitol.

Present.

The Honorable Morrison R. Waite, Chief Justice

Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
Ward Hunt
John M. Harlan
} Associate Justices

John G. Nicolay, Esquire, Marshal.
Daniel Kerley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. James Grant it is ordered that William H. Sherman, Esquire, of St. Louis, State of Missouri, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

Andrew Dold 455 vs. Appellant The United States	This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. Harvey Spalding, of counsel for the appellant, and by Mr. Sol. General Phillips, of counsel for the appellee, under the 20th Rule.

Frank O. Kihlberg 456 vs. Appellant The United States	This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. Harvey Spalding, of counsel for the appellant, and by Mr. Solicitor General Phillips, of counsel for the appellee, under the 20th Rule.

Andrew C. Bradley use &c. 775 vs. Appellant The United States	This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. J.H. Ashton and by Mr. N. Wilson, of counsel

for the appellant, and by Mr. Solicitor General Phillips, of counsel for the appellee, under the Rule.

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45 — N. R. Stafford vs. Appellant / Silas B. Kirk et al. | On motion of Mr. Lewis leave is hereby granted the Clerk to issue the Mandate in this cause.

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344 — Pryor N. Coleman vs. Plff in Error / The State of Tennessee | The argument of this cause was continued by Mr. Henry S. Foote, of counsel for the plaintiff in error.

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754 — The United States vs. Plff in Error / Clark W. Thompson et al.
And
566 — The United States vs. Plff in Error / Adam Glab | Ordered by the Court that these causes be re-assigned for argument on the 15th of January, 1879.

61- C. H. Airhart vs. Pff in Error Annak. De Mafiendal.

This cause was argued by Mr. Jno. A. Reagan, of counsel for the plaintiff in error, and by Mr. Jno. D. McPherson, for the defendant in error.

46- Jesse D. Carr vs. Appellant The United States

This cause was argued by Mr. Wm. Matthews, of counsel for the appellant, and by Mr. Ass't Attorney General Smith, for the appellee.

87- The Virginia City and Summit City Wagon Road Co- vs. Pff in Error. The People Ex rel: H. M. Blake, Dist. Atty &c.

Ordered by the Court that this cause be, and the same is hereby continued until the next term.

Tuesday, December 10, 878, Continued.

40. Rush Bergen, Collector &c. vs. N. L. Salmon et al. | Pff in Error

This cause was argued by Mr. Asst Attorney General Smith, of counsel for the plaintiff in error, and, by Mr. W. P. Burrell, for the defendants in error.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Wednesday, December 11th, 1878.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Morrison R. Waite, Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
Ward Hunt
John M. Harlan
} Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened.

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983. Michael Ryan vs. The Central Pacific Railroad Company. | This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. John Curry, of counsel for the appellant, and by Mr. S. W. Sanderson, for the appellee, under the 20th Rule.

Wednesday, December 11th, 1878, continued.

87. John B. Dumont
W. Appellant
The Des Moines Valley
R.R. Co.

The argument of this cause was commenced by Mr. Chas. A. Clark Co. of counsel for the appellant, continued by Mr. C. C. Nourse, for the appellee, and concluded by Mr. James Grant, for the appellant.

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Thursday, December 12, 1878.

Pursuant to adjournment the Court met to-day at the Capitol.

Present.

The Honorable Morrison R. Waite, Chief Justice

Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
Ward Hunt
John M. Harlan
} Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Phillips it is ordered that Charles M. Sturges, Esquire, of Chicago, State of Illinois, be admitted to practice as an attorney and counselor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Hon. Stanley Matthews it is ordered that Thornton M. Hinkle & Samuel F. Hunt, Esquires, of Cincinnati, State of Ohio, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

The United States 763. vs. } In Error The Central Pacific Railroad Company.	This cause was argued by Mr. Attorney General Devens, of Counsel for the plaintiff in error, and by Mr. S. M. Sanderson, for the defendant in error, and submitted by Mr. J. K. McCammon, special counsel for the U.S.

Thursday, December 12, 1878. Continued.

1118. The United States
vs. Riffin Error
The Kansas Pacific
R. R. Co.

and

781. The United States
vs. Appellant
The Denver Pacific
Railway & Telegraph
Co.

The argument of these cases was commenced by Mr. Attorney General, Devens, of counsel for the United States.

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Friday, December 13, 1878.

Pursuant to adjournment the Court met to-day at the Capitol.

Present.

The Honorable Morrison R. Waite, Chief Justice
Nathan Clifford, Noah H. Swayne, Samuel F. Miller, Stephen J. Field, William Strong, Joseph P. Bradley, Ward Hunt & John M. Harlan } Associate Justices

John G. Nicolay, Esquire, Marshal.
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Hon. W^m F. Sapp it is ordered that D. D. Miracle, Esquire, of Webster City, State of Iowa, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Geo. Harding it is ordered that John Eyre Shaw, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

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418 The United States vs. Pl'ff in Error
The Kansas Pacific Railroad Co.
and
781 The United States vs. Appellant
The Denver Pacific Railway & Telegraph Co.

The argument of these cases was continued by Mr. S. H. Sanderson & Mr. J. P. Usher, of counsel for the Railroad Companies, and concluded by Mr. Attorney General Devens, of counsel for the United States, and submitted by Mr. J. K. McCammon, special counsel for the U. S.

Proclamation being made the Court is adjourned until Monday next at twelve o'clock.

Monday, December 16th, 1878

Pursuant to adjournment the Court met today at the Capitol.

Present.

The Honorable Morrison R. Waite, Chief Justice

Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
Ward Hunt
John M. Harlan
} Associate Justices

John G. Nicolay, Esquire, Marshal.
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. A. G. Riddle it is ordered, that Benno Loewy, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. C. H. Hornor it is ordered that George S. Sawyer, Esquire, of Concordia Parish, State of Louisiana, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Vanfantwood it is ordered that Joshua Piercy, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly

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On motion first made to the Court in this behalf by Mr. R. P. Spalding it is ordered that M. Stuart, Esquire, of Cincinnati, State of Ohio, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

The American Emigrant Company 85- vs. Appellant The County of Adams.	Appeal from the Circuit Court of the United States for the District of Iowa.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Iowa, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Bradley

Dissenting:
Mr Chief Justice Waite
Mr. Justice Swayne
" " Strong
" " Harlan

George Mattingly & George S. Kirk, Henry K. Randall, et al 8. vs. Appellants The District of Columbia et al	Appeal from the Supreme Court of the District of Columbia.

This cause came on to be heard on the transcript of the record from the Supreme Court of the District of Columbia, and was argued by Counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs

per Mr. Justice Strong

The First National Bank of the City of New York et al 234 vs. Appellants Abner C. Shoemaker	Appeal from the Supreme Court of the District of Columbia.

This cause came on to be heard on the transcript of the record from the Supreme Court of the District of Columbia, and was

argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs; And that this cause be, and the same is hereby, remanded to the said Supreme Court with directions to dismiss the bill.

Per Mr. Justice Strong.

65. The Missouri, Kansas & Texas Railway Co. vs. The Kansas Pacific Railway Company

In Error to the Supreme Court of the State of Kansas.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Kansas, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Supreme Court, in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Field.

John Rush 616. vs. Affin Error The City of Rock Island.	In Error to the Circuit Court of the United States for the Northern District

of Illinois-

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Northern District of Illinois, and was argued by counsel- On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Swayne

Ex parte: Samuel Shrunk. 3. Original - Petitioner	On consideration of the motion for

a rule to show cause why a writ of Mandamus should not issue in this cause- It is now here ordered by the Court that said motion be, and the same is hereby, denied.

Per Mr. Ch. Jus. Waite

184.	The Northwestern University vs. Riff in Error The People, &c. rel: Henry B. Miller, Treasurer &c.	On consideration of the motion to dismiss this cause, it is now here ordered by the Court that said motion be, and the same is hereby, denied.

per Mr. Chief Justice Waite.

The Chief Justice announced that the Court would adjourn from the 21th instant to the 7th of January, 1879.

206.	The United States vs. Appellant Horace H. Carpentier, Edson Adams, and Victor Castro.	Appeal from the Circuit Court of the United States for the District of California.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of California, and on the motion

of Mr. P. Phillips, of counsel for the appellee, and consent of Mr. Solicitor General Phillips, of counsel for the appellant. It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court in this cause be, and the same is hereby, affirmed.

per Mr. Chief Justice Waite

116	E. S. C. Robertson vs. Pliff's Error Henry Cause	On motion of Mr. P. Phillips ordered that leave be granted the Clerk to issue the Mandate in this cause.

136	J. Warren Grigsby val. vs. C. H. Russell & Co. et al.	The motion to dismiss this cause was submitted to the consideration

of the Court on printed arguments by Mr. Linden Kent, in support of the same, and by Mr. J. H. Stevenson and Mr. George Hoadley in opposition thereto.

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796. The United States
vs. Appellant
McDonough's Legatees,
Cities of New Orleans & Baltimore.

797. The United States
vs. Appellant
Fanny H. S. Smeraniglia et al

798. The United States
vs. Appellant
E. B. Olivier et al
And

799. The United States
vs. Appellant
The Marquis of Casa
Irujo et al.

These causes were submitted to the consideration of the Court on the records and printed arguments by Mr. Solicitor General Phillips, of counsel for the appellants, and by Mr. Edward Janin, for the appellees, under the Rule.

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72. Stephen L. Newcomb
vs. Error
John Hood, Assignee &c.

On motion of Mr. W. A. Smith, leave is hereby granted the Clerk to issue the Mandate in this cause.

The Union Mutual Life Insurance Company,	This cause was submitted to the consideration of the Court on the record and
374. vs. Pl'ff in Error	
M. D. Lewis, Adm'r &c.	

printed arguments by Mr. E. H. Pattison, of counsel for the plaintiff in error, and by Mr. J. D. J. Dryden, for the defendant in error, under the 20th Rule.

Benjamin A. Gault et al.	This cause was submitted to the consideration of
654. vs. Appellants	
The United States	

the Court on the record and printed arguments by Mr. W. H. Duvyed and Mr. J. Warren Greene, of counsel for the appellants, and by Mr. Assistant Attorney General Smith, for the appellee, under the 20th Rule.

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707. Wm. J. McKnight et al. vs. The United States
And
708. The United States vs. Wm. J. McKnight et al.

This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. Enoch Totten, of counsel for the McKnight et al, and by Mr. Asst Attorney Genl Smith, for the United States, under the 20th Rule.

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97. The People Exel: C. P. Williams vs. Plff in Error Wm. J. Weaver et al.

On motion of Mr. W. A. McKenney, it is ordered that this cause be passed.

1043. Wells H. Leggett and Leverett L. Leggett vs. Benjamin F. Avery, Samuel Avery, and George Avery.

Mr. John E. Hatch, of counsel for the appellees, having filed and read in open Court the following certificate, to wit:

Monday, December 16, 1878, Continued-

"Circuit Court of the United States.
District of Kentucky, at Louisville.
Shells M. Leggett and
Leverett L. Leggett - Complainants -
vs.
Benjamin F. Avery,
Samuel Avery, and
George Avery - Defendants -

I, Samuel B. Crail, Clerk of the Circuit Court of the United States for the District of Kentucky, at Louisville, do certify that a final decree was rendered in the above cause on the 28th day of March, 1878, dismissing the bill of complaint and on the same day the complainants prayed an appeal to the Supreme Court of the United States which was granted -

Witness my hand and the Seal (Seal) of said Court at Louisville this 21st day of October A.D. 1878.

Samuel B. Crail,
Clerk."

and having stated that the appellants had altogether failed to file the record of said

cause in this Court, or in anyway to prosecute said appeal, now here moved the Court, in pursuance of the 6th Rule of this Court, to have this appeal docketed and dismissed. On consideration whereof it is now here ordered, adjudged, and decreed by this Court that this appeal from the Circuit Court of the United States for the District of Kentucky be, and the same is hereby, docketed and dismissed, with costs; And that this cause be, and the same is hereby, remanded to the said Circuit Court to be proceeded in according to law and justice.

Per Mr. Chief Justice Waite

James F. Helck
vs. Appellant
John F. Cook et al.

This cause was argued by Mr. W. A. Maury, of counsel for the appellant, and by Mr. A. G. Riddle, for the appellees.

42.	A. T. Stewart & Co. vs. Pltff in Error Meyer Sonneborn.	Mr. Roscoe Conkling, of counsel for the plaintiff in error. suggested the death of A. T. Stewart, pltff in error in this cause.

42.	A. T. Stewart & Co. vs. Pltff in Error Meyer Sonneborn.	The argument of this cause was commenced by Mr. Roscoe Conkling, of counsel for the plaintiffs in error.

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Tuesday, December 17, 1878.

Pursuant to adjournment the Court met to-day at the Capitol.

Present.

The Honorable Morrison R. Waite, Chief Justice

Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
Ward Hunt
John M. Harlan

} Associate Justices

John G. Nicolay, Esquire, Marshal.
Daniel Hesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Assistant Attorney General Smith it is ordered that William L. Putnam, Esquire, of Portland, State of Maine, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

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583. Edgar L. Gray vs. Plffin Error / Wm. Blanchard et al.

The motion to dismiss this cause was submitted to the consideration of the Court on printed arguments by Hughes, O'Brien & Smiley, in support of the same, and by Mr. J. W. Stone, in opposition thereto.

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92. A. T. Stewart & Co. vs. Plffin Error / Meyer Sonneborn.

The argument of this cause was continued by Mr. Roscoe Conkling, of counsel for the plaintiff in error, and by Mr. P. Phillips, of counsel for the defendant in error, and concluded by Mr. Conkling, for the plaintiff in error.

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93. Wm. G. Perris vs. Appellant / Ernest Hexamer

The argument of this cause was commenced by Mr. J. Van Santvoord, of counsel for the appellant, and continued by Mr. Joshua Piercy, for the appellee.

Joshua Robbins 547 vs. Pl'ff in Error Washburn Chipman, & Wm. Henry Chipman.	In Error to the Supreme Court of the Territory of Utah.

This cause came on to be heard on the transcript of the record from the Supreme Court of the Territory of Utah, and on the authority of counsel for the plaintiff in error on file and motion of Mr. E. B. Smith, in behalf of counsel, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed, with costs

Per Mr. Chief Justice Waite

The Chicago & Iowa Railroad Company. 945 vs. Appellant John N. Denison and John H. Brooks.	Appeal from the Circuit Court of the United States for the Northern District of Illinois

This cause came on to be heard on the transcript of the record from the Cir-

cuit Court of the United States for the Northern District of Illinois, and on the stipulation of counsel for the respective parties on file and motion of Mr. E. B. Smith in behalf of counsel, It is now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed with costs.

Per Mr. Chief Justice Waite

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Wednesday December 18, 1878

Pursuant to adjournment the Court met to day at the Capitol.

Present -

The Honorable Morrison R. Waite, Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
Ward Hunt
John M. Harlan
} Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Hon. Roscoe Conkling it is ordered that John J. McCook, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to this Court in this behalf by Mr. R. P. Spalding it is ordered that Miram J. Beales, Esquire, of Ann Arbor, State of Michigan, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George Howe it is ordered that Charles J. Powell, Esquire, of Barton, State of Vermont, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

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511 Joshua Robbins vs. Alfin Error Washburn Chipman et al.

On motion of Mr. Asst Atty General Smith it is ordered that leave be granted the Clerk to issue the Mandate in this cause.

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774 Jesse A. Settlemier vs. William J. Sullivan	This cause was submitted to the consideration of the Court on the record,

and printed arguments by Mr. J. A. Dolph, of counsel for the plaintiff in error, and by Mr. W. Lair Hill, of counsel for the defendant in error under the 20th Rule.

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93 Wm. G. Ferris vs. Appellant Ernest Hexamer.	The argument of this cause was concluded by Mr. J. J. Coombs, of counsel for the appellant, and submitted on printed

argument by Mr. Francis Forbes, of counsel for the appellant.

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91 M. T. & E. J. Slaughter vs. Appellants Jas. M. Glenn, Executor.	This cause was submitted to the consideration of the Court on

the record and printed arguments by Mr. H. S. Herndon, of counsel for the appellants, and by Mr. Jno. C. Collins, of

counsel for the appellees.

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45. The County of Daviess. vs. Pfff in Error Alfred Huidekoper	This cause was argued by Mr Joseph Shippen, of counsel for the defendant in error, and submitted on printed argument by Mr. Hilland P. Hall, of counsel for the plaintiff in error.

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86. The Bank of America vs. Pfff in Error Virginia & A. D. Banks.	This cause was argued by Mr. J. R. Chalmers, of counsel for the defendants in error, and submitted on printed argument by Mr. A. B. Pittman, of counsel for the plaintiff in error.

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92. U. S. & B. America vs. Appellants Constance C. Redfield, Executrix &c.	The argument of this cause was commenced by Mr. R. G. Ingersoll, of counsel for the appellants.

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Thursday, December 19, 1878

Pursuant to adjournment the Court met to-day at the Capitol.

- Present -

The Honorable Morrison R. Waite, Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field } Associate
William Strong } Justices
Joseph P. Bradley
Ward Hunt
John M. Harlan

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. H.C. Bliss it is ordered that Charles B. Filden, Esquire, of Boston, State of Massachusetts, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. F. Kernan it is ordered that James H. Covert, Esquire, of Flushing, State of New York, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Langdon Ward it is ordered that James M. Flower, Esquire, of Chicago, State of Illinois, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

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110. J. W. Wallace, Admr &c. Appellant, vs. The United States

Mr. T. D. Lincoln, of counsel for the appellant, suggests the death of J. W. Wallace, Admr &c, the appellant in this cause, and moved the Court for leave to enter the appearance of Jane Quinn, Administratrix de bonis non of David Quinn, in place of said J. W. Wallace, deceased - Whereupon it is

ordered that Jane Quinn, Jane's debonis non as aforesaid, be, and she is hereby, ordered, as appellant in this cause in place of, said J. N. Wallace, deceased, with liberty to prosecute this appeal.

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151. Dexter N. Knowlton vs. Plff in Error
The Congress & Empire Spring Company.

In Error to the Circuit Court of the United States for the Eastern District of New York.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of New York, and on the motion of Mr. H. M. Ruggles, of counsel for the plaintiff in error, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed with costs.

per Mr. Chief Justice Waite.

Thursday, December 19. 1878, Continued

22	Otto & B. Anderson vs. Appellants Constance C. Redfield, Executrix &c.	The argument of this cause was continued by Mr. Asst Attorney Genl Smith, of

Counsel for the appellees, and concluded by Mr. R. G. Ingersoll, of counsel for the appellants; and submitted on printed argument by Mr. A. H. Griswold in behalf of the appellants.

98.	The U. S. Ex rel: A. Huidekoper. vs. Riffin Error The County Court of Macon Co. And The County Court of Macon Co. vs. Riffin Error 555. Alfred Huidekoper.	The argument of these causes was commenced by Mr Joseph Shippen, of counsel for Huidekoper, and continued

by Mr. Millard P. Hall, of counsel for Macon County Court.

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Friday, December 20, 1878.

Pursuant to adjournment the Court met to-day at the Capitol.

Present -

The Honorable Morrison R. Waite, Chief Justice

Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
Ward Hunt
John M. Harlan

} Associate Justices

John G. Nicolay, Esquire, Marshal.
Daniel Kesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Hon. George F. Hoar it is ordered that J. D. McCleverty, Esquire, of Fort Scott, State of Kansas, and A. P. Bryant, Esquire, of Boston, State of Massachusetts, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

98 The M. E. Church: A. Huidekoper. vs. Plff in Error
The County Court of Macon Co.
And
The County Court of Macon Co. vs. Plff in Error
555. Alfred Huidekoper.

The argument of these cases was continued by Mr James Carr, of counsel for Macon County Court, and concluded by Mr. Joseph Shippen, of counsel for Huidekoper.

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99 Sarah H. Reed et al vs. Appellants
C. H. McIntyre, Appellee

This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. E. C. Palmer, of counsel for the appellants, and by Mr. E. G. Rogers and Mr. Geo. L. Otis, of counsel for the appellee.

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100 John G. Wilson vs. Plff in Error
J. H. Goodrich, Appellee

The argument of this cause was commenced by Mr. Edward Avery, of counsel for the plaintiff in error. The

Court declined to hear counsel for the defendant in error.

101.	William C. Wilson vs. Riffin Error Delaware Township.	This cause was argued by Mr. Joseph Shippen, of counsel for the plaintiff in error. No counsel appearing for the defendant in error.

102.	William J. DeTreville vs. Riffin Error Robert Smalls.	The argument of this cause was commenced by Mr. Theodore G. Barker, of counsel for the plaintiff in error.

Proclamation being made the Court is adjourned until Monday next at twelve o'clock.

Monday, December 23, 1878.

Pursuant to adjournment the Court met to day at the Capitol.

Present

The Honorable Morrison R. Waite, Chief Justice

Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
Ward Hunt
John M. Harlan

} Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by M. P. Phillips it is ordered that John P. Hoyt, Esquire, of Vassar, State of Michigan, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. Hilliard it is ordered that Robert H. Ely, Esquire, of Atlanta, State of Georgia, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Attorney General Devens it is ordered that Edgar M. Marble, Esquire, of Sonia, State of Michigan, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly

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956 | Frank O. Kihlberg vs. The United States | Appeal from the Court of Claims

This cause came on to be heard on the transcript of the record from the Court of Claims, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Court of Claims, in this cause, be, and the same is hereby, affirmed. per Mr. Justice Harlan

Rush Burgess, Collector of Internal Revenue.	In Error to the Circuit Court of the United States for the Eastern District of Virginia
90. vs.	
Aff'in Error	
William L. Salmon and H. D. Hancock, as Salmon & Hancock.	

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Virginia, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause, be, and the same is hereby, affirmed with costs and interest, until paid, at the same rate per annum that similar judgments bear in the Courts of the State of Virginia.

per Mr. Justice Hunt.

744 The City of Little Rock vs. Iffin Error
The Merchants National Bank of Little Rock.

In Error to the Circuit Court of the United States for the Eastern District of Arkansas

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Arkansas, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court, in this cause, be, and the same is hereby, affirmed with costs and interest, until paid, at the same rate per annum that similar judgments bear in the Courts of the State of Arkansas.

Per Mr. Justice Hunt

Andrew C. Bradley to the use of Alexander R. Shepherd, to the use of George Taylor, Samuel Cross and Peter F. Bacon -	Appeal from the Court of Claims.
1775. vs. Appellants -	
The United States	

This cause came on to be heard on the transcript of the record from the Court of Claims, and was argued by counsel - On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Court of Claims, in this cause, be, and the same is hereby, affirmed.

per Mr. Justice Clifford

Dissenting;
Mr. Justice Miller
" " Strong
" " Field
" " Harlan

Andres Dold 955 vs. Appellant The United States	Appeal from the Court of Claims.

This cause came on to be heard on the transcript of the record from the Court of Claims, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Court of Claims, in this cause, be, and the same is hereby, affirmed.

Per Mr. Chief Justice Waite

The Bank of the Old Dominion 634 vs. Plff in Error Jas. H. McVeigh and William H. McVeigh.	In Error to the Supreme Court of Appeals of the State of Virginia

This cause came on to be heard on the transcript of the record from the Supreme Court of Appeals of the State of Virginia and on the motion of Mr. J. Phillips, of counsel for the defendants in error, to dismiss, which was argued by counsel,

On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed for the want of jurisdiction.

per Mr. Chief Justice Waite

747.	The United States vs. Jimmy H. S. Smeraite et al.	Appeal from the District Court of the United States for the District of Louisiana.

This cause came on to be heard on the transcript of the record from the District Court of the United States for the District of Louisiana, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said District Court, in this cause, be, and the same is hereby, affirmed.

per Mr. Chief Justice Waite

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798. The United States vs. Appellant / Eugene D. Olivier et al. | Appeal from the District Court of the United States for the District of Louisiana.

This cause came on to be heard on the transcript of the record from the District Court of the United States for the District of Louisiana, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said District Court, in this cause, be, and the same is hereby, affirmed.

per Mr. Chief Justice Waite.

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799. The United States vs. Appellant / The Marquis of Casa Irujo et al. | Appeal from the District Court of the United States for the District of Louisiana.

This cause came on to be heard on the transcript of the record from the District Court of the United States for the District of Louisiana, and was argued by counsel. On consideration whereof,

It is now here ordered, adjudged, and decreed by this Court that the decree of the said District Court, in this cause, be, and the same is hereby, affirmed.

per Mr. Chief Justice Waite

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583. Edward L. Gray vs. William Blanchard, John J. Borland, and H. G. Billings. | In Error to the Circuit Court of the United States for the Western District of Michigan

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Western District of Michigan and on the motion of Hughes, O'Brien, & Smiley, of counsel for the defendants in error, to dismiss, which was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed for the want of jurisdiction.

per Mr. Chief Justice Waite

136. J. Warren Frigsby et al vs. C. W. Purcell & Co. et al. Appellants

On consideration of the motion to dismiss this cause and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Waite.

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100. John T. Wilson vs. Plff in Error James R. Goodrich, Assignee of William T. Wilson & Francis D. Harrington, late copartners, Bankrupts.

In Error to the Superior Court of the State of Massachusetts.

This cause came on to be heard on the transcript of the record from the Superior Court of the State of Massachusetts, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said

Superior Court, in this cause, be, and the same is hereby, affirmed with costs and interest, until paid, at the same rate per annum that similar judgments bear in the Courts of the State of Massachusetts.

per Mr. Chief Justice Waite

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983. Michael Ryan vs. Appellant / The Central Pacific Railroad Company. | On motion of Mr. Attorney General Devens leave is hereby granted him to intervene in this cause and to file briefs by first of January, 1879.

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195. John S. Williams val. vs. Plff in Error / The State of Louisiana et al. | On motion of Mr. James Lowndes, it is ordered that this cause be passed to be heard with No. 873 when reached.

215.	The State Ex rel: The Citizens Bank of Louisiana vs. The Board of Liquidation of the State of Louisiana.	Pff in Error	This cause was submitted to the consideration of the Court on the record, and printed arguments by Mr. A. Pilot and Mr. Edward Janin, of counsel for the plaintiff in Error, and by Mr. J. D. A. Fellows, for the defendant in error, under the 20th Rule.

705	Sarah B. Hunt vs William H. Hunt	Pff in Error	The motion to dismiss this cause was submitted to the consideration of the Court on printed arguments by Mr. T. J. Durant and Mr. C. H. Homer, in support of the same, and by Mr. D. D. Lord, in opposition thereto.

922.	Alfred Lastrapes et al vs. Jules A. Blanc et al.	Pffs in Error	The motion to dismiss this cause was submitted to the consideration

of the Court on printed argument by Mr. P. Phillips, in support of the same, and by Mr. T. J. Durant and Mr. C. H. Hornor, in opposition thereto.

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900 The Sandusky Seat Company et al- vs. Appellants Theo. Comstock et al.

The motion to advance this cause and modify the injunction was submitted to the consideration of the Court by Mr. M. D. Leggett, in support of the same.

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906 The United States vs. Appellant A. H. Carpenter et al.

On motion of Mr. P. Phillips leave is hereby granted the Clerk to issue the Mandate in this cause.

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102 Wm. J. De Treville vs. Pff in Error Robert Smalls-

The argument of this cause was continued by Mr. Solr General Phillips, of counsel for the defendant in error, and concluded by Mr. Jas. Lowndes, for the plaintiff in error.

The Atlantic & Gulf R.R. Co. vs. Ely in Error 103. The State of Georgia and The Atlantic & Gulf R.R. Co. vs. Ely in Error 172. The State of Georgia	The argument of these cases was commenced by Mr. Robert Falconbridge, of counsel for the plaintiff in error, and continued by Mr. Robert A. Ely, for the defendant in error.

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Tuesday, December 21st, 1875.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Morrison R. Waite, Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
Ward Hunt
John M. Harlan
Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened

On motion first made to the Court in this behalf by Mr. B. J. Darneille it is ordered that John Austin Moon, Esquire, of Chattanooga, State of Tennessee, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. M. Wilson, it is ordered that Charles H. Bennett, Esquire, of Salt Lake City, Utah Territory, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

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103 The Atlantic & Gulf R.R. Co. vs. Riffin in Error
The State of Georgia.
Add
772 The Atlantic & Gulf R.R. Co. vs. Riffin in Error
The State of Georgia.

The argument of these causes was continued by Mr. Robert Toombs, of counsel for the defendant in error, and concluded by Mr. Waller S. Chisholm, of counsel for the plaintiff in error.

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104 Henry Army vs. Riffin in Error
The City of Dubuque.

This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. James Grant, of counsel for the plaintiff in error,

and by Mr. O. P. Shiras, for the defendant in error—

A. W. Wakerell	In Error to the Circuit
105 vs. Aff in Error.	Court of the United
O'Brien County, Iowa.	States for the District
	of Iowa.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Iowa, and on the authority of counsel for the plaintiff in error, on file, it is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed with costs.

per Mr. Chief Justice Waite—

Matthias Fortune	This cause was sub-
106 vs. Appellant	mitted to the con-
John J. H. Phillips	sideration of the Court

on the record and printed argument by Mr. L. L. Coburn, of counsel for the appellant—No counsel appearing for the appellees.

Tuesday, December 24, 1878, Continued.

Wm. H. Platt 885 vs. Appellant The Union Pacific R.R. Co. et al.	Mr. Asst Attorney General Smith filed and submitted to the consideration of the Court motion to advance this cause.
The Western Union Telegraph Co. 57 vs. Appellant Henry W. Davenport and The Western Union Telegraph Co. 58 vs. Appellant Katherine J. Davenport by her Guardian &c.	On motion of Mr. E. B. Smith leave is hereby granted the Clerk to issue the Mandates in these cases.

Proclamation being made the Court is adjourned until Monday, the sixth day of January, at twelve o'clock.

---

and by Mr. O. P. Shiras, for the defendant in error-

A. W. Wetherell 105 vs. Plff in Error. O'Brien County, Iowa.	In Error to the Circuit Court of the United States for the District of Iowa.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Iowa, and on the authority of counsel for the plaintiff in error, on file, it is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed with costs.

per Mr. Chief Justice Waite

Matthias Fortune 106 vs. Appellant John J. N. Phillips	This cause was submitted to the consideration of the Court on the record and

printed argument by Mr L. L. Coburn, of counsel for the appellant- No counsel appearing for the appellees.

Tuesday, December 24, 1878, Continued.

Wm. H. Platt 885 vs. Appellant The Union Pacific R.R. Co. et al.	Mr. Ass't Attorney General Smith filed and submitted to the consideration of the Court motion to advance this cause.
The Western Union Telegraph Co. 57- vs. Appellant Henry W. Davenport and The Western Union Telegraph Co. 58- vs. Appellant Katherine J. Davenport by her Guardian &c.	On motion of Mr. E. B. Smith leave is hereby granted the Clerk to issue the Mandates in these cases

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Proclamation being made the Court is adjourned until Monday, the sixth day of January, at twelve o'clock.

Monday, January 6. 1879.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Morrison R. Waite, Chief Justice

Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan
} Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk

Proclamation being made the Court is opened

The Union Mutual Life Insurance Co. of Maine vs. Madison D. Lewis, Public Administrator &c of the estate of Wm. S. Benton, decd.	In Error to the Circuit Court of the United States for the Eastern District of Missouri.

3/11.

This cause came on to be heard on the transcript of the record from the Circuit Court

of the United States for the Eastern District of Missouri, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause, be, and the same is hereby, reversed with costs; And that this cause be, and the same is hereby, remanded to the said Circuit Court with directions to dismiss the action without prejudice to any suit upon the policy of the proper representatives of the decedent.

per Mr. Justice Harlan

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39. Daniel A. Beckwith and Gilman Henry vs. Riffs in Error Andrew J. Bean. | In Error to the Circuit Court of the United States for the District of Vermont.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Vermont, and was argued by counsel. On consideration whereof, It is now here

ordered and adjudged by this Court that the judgment of the said Circuit Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court with directions to award a new trial

per Mr. Justice Harlan

Dissenting:
Mr. Justice Field
" " Clifford

Mr Justice Miller did not sit on the argument of this case and took no part in the decision.

95- The County of Daviess vs. Alfred Henderson | In Error to the Circuit Court of the United States for the Western District of Missouri.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Western

District of Missouri, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court, in this cause, be, and the same is hereby, affirmed with costs and interest, until paid, at the same rate per annum that similar judgments bear in the Courts of the State of Missouri

per Mr. Justice Hunt.

(Opinion filed by the Chief Justice.)

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91. James F. Welch, Appellant vs. John F. Cook, William Dennison, John H. Ketchum and Seth L. Phelps.

Appeal from the Supreme Court of the District of Columbia.

This cause came on to be heard on the transcript of the record from the Supreme Court of the District of Columbia, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the

said Supreme Court in this cause be, and the same is hereby, affirmed with costs

- per Mr. Justice Hunt

Dissenting
Mr. Justice Field

(Opinion filed by the Chief Justice)

Grinfill Blake and Elizabeth J. Deverent Blake, his wife, John Townsend and Georgiana T. Townsend, his wife.

vs. Appellants

56- William J. Hawkins and Walter Clark, as Assignees in bankruptcy of the estate of Thos. P. Deverent, died, a Bankrupt, et al.

Appeal from the Circuit Court of the United States for the Eastern District of North Carolina.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of North Carolina, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree

of the said Circuit Court in this cause be, and the same is hereby, reversed with costs; And that this cause be, and the same is hereby, remanded to the said Circuit Court with instructions to direct a new accounting and to enter a decree in conformity with the opinion of this Court.

Per Mr. Justice Strong

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92. A. T. Stewart & Company vs. Meyer Sonneborn — In Error to the Circuit Court of the United States for the Middle District of Alabama.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Middle District of Alabama, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be, and the same is hereby, reversed with costs; And that this cause

be, and the same is hereby, remanded to the said Circuit Court with direction to award a new trial.

per Mr. Justice Strong

Dissenting
Mr. Justice Bradley.

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77 | Jesse A. Settlemier vs. William J. Sullivan. | In Error to the Circuit Court of the United States for the District of Oregon.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Oregon, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court, in this cause, be, and the same is hereby, affirmed with costs.

per Mr. Justice Field.

Dissenting
Mr. Justice Bradley
Mr. Justice Harlan
Mr. Chief Justice Waite.

The United States of America.	Appeal from
3. vs. Appellant	the Circuit
The Union Pacific Rail-	Court of the
road Company et al.	United States
	for the District

of Connecticut.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Connecticut, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court in this cause be, and the same is hereby, affirmed.

per Mr. Justice Miller

Dissenting
Mr. Justice Swayne
Mr. Justice Harlan.

Monday, January 6, 1879, Continued.

107. Wm. S. McKnight and James M. Richardson. vs. The United States. — Appeals from the Court of Claims.

and

108. The United States vs. Wm. S. McKnight and James M. Richardson. — Appellant

This cause came on to be heard on the transcript of the record from the Court of Claims, on appeal and cross-appeal, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause be, and the same is hereby, affirmed.

per Mr. Justice Swayne

M. T. Slaughter and Evelina J. Slaughter.	Appeal from the Circuit Court of the United States for the Western District of Texas.
94. vs. Appellants	
James M. Kenn, Richard Dymond & Jacob Eberseke, Executors of Joseph Hemphill.	

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Western District of Texas, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Swayne.

George Reynolds	In Error to the Supreme
180. vs. Plff in Error	Court of the Territory of
The United States	Utah.

This cause came on to be heard on the transcript of the record from the Supreme Court of the Territory of Utah, and was

argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed.

per Mr. Chief Justice Waite

The State Ex rel: The Citizens Bank of Louisiana.
vs. In Error
The Board of Liquidation of the State of Louisiana, and The State of Louisiana.

215

In Error to the Supreme Court of the State of Louisiana.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Louisiana, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed for the want of jurisdiction.

per Mr. Chief Justice Waite

705.	Sarah B. Hunt vs. Riffin & Ellen Hilliard H. Hunt	In Error to the Supreme Court of the State of New York.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of New York, being passed of the record and proceedings upon a remittitur from the Court of Appeals of the State of New York, and on the motion of Mr. T. J. Durant & Mr. C. N. Horner, of counsel for the defendant in error, to dismiss, which was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Waite

Alfred Lastrapes, Charles Lastrapes, and Mrs. Marie Louise Lastrapes, as F. Lastrapes & Company. vs. Plffs in Error
922 Jules A. Blanc, Henry Legendre et al.

In Error to the Circuit Court of the United States for the District of Louisiana.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Louisiana, and on the motion of Mr. P. Phillips, of counsel for the defendants in error, to dismiss, which was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Waite.

William H. Ratt vs. Appellant
885 The Union Pacific Railroad Co.

Ordered by the Court that this cause be advanced and assigned for ar-

gument on the first Monday in March next.

Rush Burgess, Coll'r &c. vs. Plff in Error 90- Wm. L. Salmon et al	On motion of Mr. H. P. Burwell leave is hereby granted the Clerk to issue the Mandate in this cause

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Theodore A. Kendig vs. Appellant 60- Thompson Dean -	On motion of Mr. P. Phillips leave is hereby granted the Clerk to issue the Mandate in this cause

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William N. Crane, Rue P. Hutchins, Sidney L. Chaffee, & David D. Wells. vs. Plffs in Error 1059- The United States	Mr. Asst Attorney General Smith, of counsel for the defendant in error;

having filed and read in open Court the following certificate to. wit:

"United States of America } ss.
Southern District of Ohio }

I, Thomas Ambrose, Clerk of the Circuit Court of the United States within and for said District, hereby certify that there was lately pending in said Court a cause wherein the United States is plaintiff and Hiram H. Crane, Rice P. Hutchins, Sidney L. Chaffee, and Daniel D. Wells are defendants, and that on the 19th day of June, A. D. 1878, there was rendered by said Court judgment in said cause in favor of the said plaintiff for the sum of $2886.25 and costs of suit; and thereupon afterwards, to-wit: On the 21st day of August, in the year aforesaid the said defendants sued out a writ of error in said cause to the Supreme Court of the United States and that a citation was issued thereon, returnable to the October Term A. D. 1878, of the Supreme Court.

(Seal) In testimony whereof, I hereunto set my hand and affix the Seal of said Court, this

17th day of December A.D. 1878.

Attest:

Thos. Ambrose

Clerk 6th Circuit U. S. D. Ohio

and having stated that the plaintiffs in error had altogether failed to file the record of said cause in this Court or in any way to prosecute said writ of error, now here moved the Court, in pursuance of the 9th Rule of this Court, to have the writ of error in this cause docketed and dismissed. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause to the Circuit Court of the United States for the Southern District of Ohio be, and the same is hereby, docketed and dismissed; And that this cause be, and the same is hereby, remanded to the said Circuit Court to be proceeded in according to law and justice.

per Mr. Chief Justice Waite

William N. Crane, Rue P. Hutchins, Sidney L. Chaffee, & Theodore Sullivan Admr of Wm. M. Chaffee, decd.
1060. vs. Plffs in Error
The United States.

Mr. Asst Attorney General Smith, of counsel for the defendant in error, having filed and read in open Court

the following certificate, to wit:

"United States of America } ss.
Southern District of Ohio }

I, Thomas Ambrose, Clerk of the Circuit Court of the United States within and for said District hereby certify that there was lately pending in said Court a cause wherein the United States is plaintiff and William N. Crane, Rue P. Hutchins, Sidney L. Chaffee, and Theodore Sullivan, Administrator of William M. Chaffee, deceased, are defendants; that on the 20th day of June A. D. 1878, there was rendered by said Court, judgment in said cause in favor of the said plaintiff for the sum of $2875.50 and costs of suit; and thereupon afterwards, to wit, on the 21st day of August

in the year aforesaid the said defendants sued out a writ of error in said cause to the Supreme Court of the United States and that a Citation was issued thereon returnable to the October Term A.D. 1878, of the Supreme Court.

In testimony whereof, I hereunto set my hand and affix the seal of said Court, this 17th day of December A.D. 1878.

(Seal)

Attest:

Thos. Ambrose

Clerk U.S. Circuit Ct. S.D. Ohio

And having stated that the plaintiffs in error had altogether failed to file the record of said cause in this Court or in anyway to prosecute said writ of error, now here moved the Court, in pursuance of the 9th Rule of this Court, to have the writ of error in this cause docketed and dismissed. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause to the Circuit Court of the United

States for the Southern District of Ohio be, and the same is hereby, docketed and dismissed - And that this cause be, and the same is hereby, remanded to the said Circuit Court to be proceeded in according to law and justice.

per Mr. Chief Justice Waite.

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74 George B. Pelare vs. Appellant / N. G. Elliott, Admr. &c.

On motion of Mr. E. B. Smith it is ordered that leave be granted the Clerk to issue the Mandate in this cause.

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972 The Central Pacific Railroad Company vs. Appellant / Albert Gallatin

On motion of Mr. Assistant Attorney General Smith it is ordered that leave be granted the Attorney Genl U.S. to file motion to dismiss in this cause on the ground of collusion.

William B. Elliott, Collector &c.
725 vs. Plff in Error
The East Pennsylvania R.R. Co.

(Assigned) On motion of Mr. Asst Attorney General Smith it is ordered that this cause be passed on account of sickness of counsel.

The United States
vs. Appellants
797 F. H. S. Innerarity et al.

The United States
798 vs. Appellants
Eugene B. Olivier et al.
And
The United States
799 vs. Appellants
The Marquis of Casa Yrujo et al.

On motion of Mr. Edward Jewitt it is ordered that leave be granted the Clerk to issue the Mandates in these cases.

Samuel Stringfellow et al 181. vs. Appellants Joseph M. Cain et al and Samuel Stringfellow et al. 182 vs. Plff in Error. Joseph M. Cain et al.	Mr. J. M. Wilson filed motion to dismiss these causes as to Brigham Young, dec'd.

The Chicago, Danville & Vincennes Railroad Co. 966. vs. Appellants Wm. R. Fosdick et al.	The motion to dismiss this cause was submitted to the consideration of the Court on

printed arguments by Mr. H. Crawford, in support of the same, and by Mr. E. Walker, in opposition thereto.

The Union Pacific R.R. Co. 669. vs. Plff in Error The Board of Comissioners of Dodge County.	This cause was submitted to the consideration of the Court on the record and printed arguments by Mr.

A. J. Poppleton, of counsel for the plaintiff in error, and by Mr. W. A. Munger and

Mr. J. M. Woolworth, for the defendant in error, under the 20th Rule.

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706. James N. Harvey et al vs. The United States — Appellants

This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. Enoch Totten, of counsel for the appellants, and by Mr. Asst Attorney General Smith, for the appellee, under the 20th Rule.

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811. The Denver & Rio Grande Railway Co. vs. E. D. Alling, Admr &c et al. — Appellant

812. And The Denver & Rio Grande Railway Co. vs. The Cañon City & San Juan Railway Co. — Appellant

These causes were submitted to the consideration of the Court on the records and printed arguments by Mr. A. A. Ridley, Mr. Jas. Grant, and Mr. J. S. Usher, of counsel for the appellants, and by Mr. A. M. Fellen and Mr. Chas. E. Gast, for the appellees, under

the 20th Rule.

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829 The U.S. Ex rel: The Concord Savings Bank vs. Pfff in Error The Mayor &c. of the City of Fort Scott.

This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. J. D. Campbell, of counsel for the plaintiff in error, and by Mr. J. G. McCleverty, for the defendants in error, under the 20th Rule.

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870 C. N. Betts vs. D. S. Mugridge et al. vs. Pfff in Error

This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. A. B. Mason, of counsel for the plaintiff in error, and by Mr. Charles M. Stinger, for the defendants in error, under the 20th Rule.

Wm H. Hackett et al Executors &c. vs. Plff in Error 880. The City of Ottawa.	This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. F. H. Hackett and Mr. S. S. Eldredge, of counsel for the plaintiffs in error, and by Mr. Charles B. Lawrence, for the defendants in error, under the 20th Rule.

George Hendrie vs. Appellant 947. Thomas Sayles.	This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. D. B. Duffield, of counsel for the appellant, and by Mr. A. H. Walker, for the appellee, under the 25th Rule.

The Flagstaff Silver Mining Company vs. Plff in Error 998. Helen Farbet	This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. J. M. Woolworth, of

Counsel for the plaintiff in error, and by Chas. W. Bennett, for the defendant in error, under the 20th Rule.

1,050 Mary C. Gordon v. Appellant / Jas. H. Filfoil

This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. H. B. Kelly and Mr. H. L. Lazarus, of Counsel for the appellant, and by Mr. Samuel R. Walker, for the appellee, under the 20th Rule.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Tuesday January 7th, 1879-

Pursuant to adjournment the Court met today at the Capitol.

-Present-

The Honorable Morrison R. Waite, Chief Justice

Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan

} Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Phillips, it is ordered that John McDonald and George H. Fletcher, Esquires, of New York City, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Hon. Jas. B. Beck it is ordered that R. H. Woolley, Esquire, of Louisville, State of Kentucky, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

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885 William H. Platt, vs. The Union Pacific Railroad Co. et al. Appellant

On motion of Mr. Solicitor General Phillips it is ordered that so much of the order fixing this cause for argument on the first Monday in March be rescinded and that the time for argument be arranged by counsel.

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573. Frederick W. Stuiedkoper et al. vs. The Hinckley Locomotive Works. Appellants

630. William R. Fosdick et al vs. The Southwestern Car Co. Appellants

And

631. Wm R. Fosdick et al vs. Michael Schall. Appellants

The argument of these cases was commenced by Mr. Aebel Green, of counsel for the appellants, and continued by Mr R. Biddle Roberts and Mr. John M. Butler, of counsel for the appellees.

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Wednesday, January 8th 1879.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Morrison R. Waite, Chief Justice

Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan
} Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened

On motion first made to the Court in this behalf by Mr. T. D. Lincoln it is ordered that M. B. Hagans, Esquire, of Cincinnati, State of Ohio, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to this Court in this behalf by Mr. J. D. Cox it is ordered that

E. B. McCagg, Esquire, of Chicago, State of Illinois, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

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836. David Barnet et al, Assignees &c. vs. Muncie National Bank of Muncie, Ind. } In Error

This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. R. B. Wilson, Mr. Samuel Hellabarger, and Mr. J. McWilson, of counsel for the plaintiffs in error, and by Mr. M. B. Hagans, for the defendant in error, under the 20th Rule.

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787. The United States, Appellant vs. Joseph S. Farden. }

This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. Solicitor General Phillips, of counsel for the appellant, and by Mr. J. G. Kimball, for the appellee, under the 20th Rule.

23.	The Succession of John M. Egee, deceased. vs. Plff in Error The United States	On motion of Mr. Solicitor General Phillips it is ordered that leave be granted the Clerk to issue the Mandate in this cause.

573.	Fredk W. Studiekoper et al vs. The Hinckley Locomotive Works.	The argument of this cause was concluded by Mr. H. Crawford, of counsel for the appellants.
630.	Wm. R. Fosdick et al vs. The Southwestern Car Co.	
	And	
631.	Wm. R. Fosdick et al vs. Michael Schall.	

686.	Wallace Wilkenson vs. Plff in Error The People of the U. S. in the Territory of Utah.	This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. E. D. Hoge and Mr. P. L.

Williams, of counsel for the plaintiff in error, and by Mr. Solicitor General Phillips, for the defendant in error, under the 20th Rule.

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556. Conrad N. Jordan et al. vs. John G. Stevens et al. Appellants

Ordered by the Court that this cause be re-assigned for argument on the 20th instant.

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556. Conrad N. Jordan et al vs. John G. Stevens et al. Appellants

On motion of Mr. McDonald leave is hereby granted him to file brief in this cause on or before the 14th instant.

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107. F. W. Bebinger, Assignee &c. vs. The Continental Bank of St Louis. Appellant

This cause was argued by Mr. Preston Hayes, of counsel for the appellee, and submitted on printed argument by Mr. Jas. O. Broadhead, of counsel for

the appellants.

Thomas Kelly &	This cause was sub-
108. vs. Plff in Error	mitted to the con-
H. B. Sinderson et al.	sideration of the
	Court on the record

and printed argument by Mr. W. M. Randolph, of counsel for the plaintiff in error. No counsel appearing for the defendants in error.

John Hansant et al	The motion to dis-
109 vs. Appellants	miss this cause
The Electro-Magnetic	was submitted to
Gas Lighting Co.	the consideration

of the Court on the printed argument by Mr. N. Wilson and Mr. J. H. Ashton, in support of the same, and argued by Mr. F. J. Durant, in opposition thereto - Argument on the merits post-poned.

Wednesday, January 8th, 1879, Continued—

110.	Jane Quinn, Admix&c. vs. The United States	Appellant

The argument of this cause was commenced by Mr. T. D. Lincoln, of counsel for the appellant.

111.	Jas. S. Clark & Co. vs. The United States	Appellants

Ordered by the Court that this cause be, and the same is hereby, passed for the present.

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Thursday, January 9th, 1879.

Pursuant to adjournment the Court met to-day at the Capitol

Present

The Honorable Morrison R. Waite, Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan
} Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Hon. Francis Kernan it is ordered that O. S. Williams, Esquire, of Clinton, State of New York, and Daniel Dougherty, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

Thursday, January 9th, 1879. Continued.

110.	Jane Quinn, Admix &c. vs. The United States	Appellant	The argument of this cause was continued by Mr. P. D. Lincoln, of counsel for the appellants, by Mr. Ass't Attorney General Smith and Mr. Attorney General Devens, of counsel for the appellee and concluded by Mr. Lincoln, for the appellant.

112.	Thomas P. Leathers vs. The Salvor Wrecking and Transportation Co.	Appellant	This cause was submitted to the consideration of the Court on the record and printed argument, by Mr. Given Campbell, of counsel for the appellee. No counsel appearing for the appellant.

113.	The Mississippi & Rum River Boom Co. vs. Wm. C. Patterson Jr.	Plff in Error	The argument of this cause was commenced by Mr. H. Lockwood, of counsel for the plaintiff in error.

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Friday, January 10th 1879.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Morrison R. Waite, Chief Justice

Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan

} Associate Justices

John G. Nicolay, Esquire, Marshal.
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. George F. Appleby it is ordered that Edward K. Jones, Esquire, of Philadelphia, State of Pennsylvania be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. W. A. Maury, it is ordered that Wm. B Hornblower, Esquire, of New York City, and Egbert R. Watson, Esquire, of Charlottesville State of Virginia, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Attorney General Devens it is ordered that Jno. G. Williams, Esquire, of Terre Haute, State of Indiana, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

The Baltimore Bridge Company
1068 v. Appellant
The Louisville, Paducah & South Eastern R.R. Co., Eckstein Norton & Phil. C. Calhoun, Trustees, L. H. Meyer & Phil. C. Calhoun, Trustees, W. F. Norton & Jno. G. Barrett, Trustees, B. Du Pont, The City of Louisville, and A. A. Gates.

Mr. Ephraim Brainerd, of counsel for the appellees, having filed and read in open Court the following certificate, to wit:

"United States of America
District of Kentucky

I, Samuel B. Crail, Clerk of the Circuit Court of the United States for the District of Kentucky, at Louisville, do hereby certify that in a certain cause pending in said Court wherein the Baltimore Bridge Company was complainant, in Equity, and The Louisville, Paducah & Southeastern Railroad, Eckstein Norton & Phil. C. Calhoun, trustees, L. H. Meyer & Phil. C. Calhoun, trustees, W. F.

Norton & John G. Barrell, trustees, E. du Pont, the City of Louisville and A. A. Gale, were defendants, a final decree was made by the said Circuit Court on 18th day of April 1876 in favor of the above named defendants; Whereupon an appeal was prayed by the said Baltimore Bridge Company, complainant aforesaid on the 18th day of April, 1876; and on the 28th day of November 1876, the said Baltimore Bridge Company, complainant as aforesaid, filed a supersedeas bond, with sureties in the sum of fifteen thousand dollars, which was approved by the Court.

In witness whereof I have hereunto set my hand and affixed the seal of said Circuit Court, this 18th day of December 1878.

(Seal)

Saml. B. Crail, Clerk
By Henry F. Cassin D. C."

and having stated that the appellant had altogether failed to file the record

of said cause in this Court or in anyway to prosecute said appeal now here moved the Court, in pursuance of the 6th rule of this Court, to have this appeal docketed and dismissed. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that this appeal ~~for~~ to the Circuit Court of the United States for the District of Kentucky be, and the same is hereby, docketed and dismissed with costs; And that this cause be, and the same is hereby, remanded to the said Circuit Court to be proceeded in according to law and justice.

Per Mr. Chief Justice Waite

	Wm. S. Lincoln etal	On motion of Mr. S.
190.	vs. Iliff in Error	R. Bond leave is
	George B. Abrams	hereby granted

the Clerk to issue the Mandate in this cause.

Friday, January 10th, 1879, Continued.

743. The Board of Commissioners of the County of Leavenworth vs. Rliff in Error Ralph Sellew and

744 The City of Leavenworth vs. Rliff in Error J. N. Kinney

These causes were submitted to the consideration of the Court on the records and printed arguments by Mr. M. H. Carpenter, of counsel for the plaintiffs in error, and by Messrs. E. Billings, L. B. Wheat, and T. A. Hurd, for the defendants in error, under the 20th Rule.

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836. The New Orleans Canal and Banking Company vs. Rliff in Error The City of New Orleans.

This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. Jno. Kinney, of counsel for the plaintiff in error, and by Mr. Samuel P. Blanc, for the defendant in error, under the 20th rule.

The Mississippi & Rum River Boom Co.	This cause was further argued and concluded
113. vs. Affin Error	by Mr. Wm. Lochren,
William C. Patterson Jr.	of counsel for the

plaintiff in error- and submitted on printed argument by Mr. Charles E. Flandrau, of counsel for the defendant in error.

DeWitt C. West	This cause was
114 vs. Appellant	submitted to the
Uriel & Emily M. Enos.	consideration of the

Court on the record and printed argument by Mr. George N. Lawton, of counsel for the appellant- No counsel appearing for the appellees-

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The Schuylkill Iron Co.	In Error to the Cir-
115 vs. Affin Error-	cuit Court of the
The Jameson Mining Co.	United States for
	the Eastern District

of Pennsylvania.

This cause came on to be heard on the-

transcript of the record from the Circuit Court of the United States for the Eastern District of Pennsylvania, and the plaintiff in error having been three times solemnly called by the Marshal to come into Court and prosecute its writ of error and failing to appear - It is thereupon, in pursuance of the 16th rule of this Court, and on the motion of Mr. Daniel Dougherty, of counsel for the defendant in error, now here ordered and adjudged by this Court that this cause be, and the same is hereby, dismissed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court to be proceeded in according to law and justice.

per Mr. Chief Justice Waite

Patrick Sherry et al. vs. Pltffs in Error
116 Andrew M. Kinley et al

This cause was submitted to the consideration of the Court on the record and printed arguments by Mr.

Wm. M. Randolph, of counsel for the plaintiffs in error, and by Mr. J. B. Heiskell, for the defendants in error.

E. E. Patterson
vs. Plff in Error
The Commonwealth of Kentucky.

This cause was argued by Mr. Albert Pike, of counsel for the defendant in error, and submitted on printed argument by Mr. M. H. Carpenter, of counsel for the plaintiff in error.

Thomas K. Mills Jr, Admr &c.
vs. Plff in Error
Levi H. B. Scott.

Ordered that this cause be passed and stand at the head of the call until otherwise ordered.

Webster M. Raines for himself and as Executor &c.
vs. Appellant
The United States

This cause was submitted to the consideration of the Court on the record and

printed argument by Mr. Asst Attorney General Smith, of counsel for the appellee. No counsel appearing for the appellant

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The Passaic Zinc Co.	Appeal from the
121 vs. Appellant	Circuit Court of
Wickham B. Spear	the United States
and Joseph N. Richards,	for the Eastern
composing the firm of	District of
Spear & Richards	Pennsylvania.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Pennsylvania and the appellant having been three times solemnly called by the Marshal to come into Court and prosecute its appeal and failing to appear, It is thereupon, in pursuance of the 16th rule of this Court, and on the motion of Mr. E. L. Perkins, of counsel for the appellee, now here ordered, adjudged, and decreed by this Court that this cause be, and the same is hereby,—

dismissed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court to be proceeded in according to law and justice.

Per Mr. Chief Justice Waite.

The Canal Bank of New Orleans et al. vs. Wm B. Parker et al. 122 Appellants

This cause was argued by Mr. W. A. Maury, of counsel for the appellants. No counsel appearing for the appellees.

James O. Carson Exr &c. vs. Robert P. Ober et al. 123 Error

This cause was argued by Mr. H. W. Garnett, of counsel for the plaintiff in error. No counsel appearing for the defendants in error.

Proclamation being made the Court is adjourned until Monday next at twelve o'clock.

Monday, January 13th, 1879.

Pursuant to adjournment the Court met to-day at the Capitol.

Present—

The Honorable Morrison R. Waite, Chief Justice,
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan
} Associate Justices

John G. Nicolay, Esquire, Marshal—
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Attorney General Devens it is ordered that Huntington W. Jackson, Esquire, of Chicago, State of Illinois, and Wager Swayne, Esquire, of Toledo, State of Ohio, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. P. Phillips it is ordered that Theron G. Strong, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Walter H. Smith it is ordered that P.C. Smith, Esquire, of Circleville, State of Ohio, be admitted to practice as an attorney and counseller of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. D.B. Henderson it is ordered that J.B. Daniels, Esquire, of Dubuque, State of Iowa, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

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78. Isaac L. Lyon vs. Appellant / Franz Pollock & Catharine Pollock. | Appeal from the Circuit Court of the United States for the Western District of Texas

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Western District of Texas, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court in this cause be, and the same is hereby, affirmed with costs.

per Mr. Justice Field.

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119. Isaac L. Lyon vs. Appellant / Jesus & Catharine Hernandez. | Appeal from the Circuit Court of the United States for the Western District of Texas.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Western

District of Texas, and was argued by Counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court in this cause be, and the same is hereby, affirmed with costs.

per Mr. Justice Field.

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654 | Benjamin H. Scull et al. vs. The United States | Appellants | Appeal from the District Court of the United States for the Western District of Missouri.

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri and was argued by Counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed.

per Mr. Justice Miller

Monday, January 13, 1879. Continued

796

The United States vs. McDonough's Legatees, The Cities of Baltimore and New Orleans.	Appeal from the District Court of the United States for the District of Louisiana.

This cause came on to be heard on the transcript of the record from the District Court of the United States for the District of Louisiana, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, reversed; And that this cause be, and the same is hereby, remanded to the said District Court with directions to dismiss the petition.

Per Mr. Justice Miller

	Otto Andreae and Bernhard Andreae, partners composing the firm of Andreae & Co. et al	Appeal from the Circuit Court of the United States for the Northern District of New York.
22	vs. Appellants	
	Constance C. Redfield, Executrix, & Franklin B. Redfield Executor of Heman J. Redfield, deceased.	

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Northern District of New York, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Clifford.

Dissenting:
Mr. Justice Miller
" " Field.

James O. Carson, Executor of the estate of John D. Carson, deceased.
vs. Pltff in Error
Robert P. Ober, Robert H. Ober, & Albert G. Ober.

In Error to the Supreme Court of the State of Missouri.

123.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Missouri, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief-Justice Waite.

C. Hyllyer Bells, in the place of Katherine M. Pryor, dec'd, under the last will & testament of James M. Pryor, deceased -
vs. Pltff in Error
David S. Mugridge and George Sturges -

In Error to the Circuit Court of the United States for the Northern District of Illinois.

870

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Northern District of Illinois, and was argued by counsel- On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be, and the same is hereby, affirmed with costs-

per Mr. Chief Justice Waite

John Vansant, William A. Duncan, Trustee for Susan A. Duncan.

109 vs. Appellants

The Electro Magnetic Gas Light Co. & John W. Thompson, John G. Parke, T. L. Casey, John A. Ruff, Wm. Myers, Madison Davis, A. A. Wasmer, William Thompson, & Geo. A. McKenney.

Appeal from the Supreme Court of the District of Columbia.

This cause came on to be heard on the transcript of the record from the Su-

preme Court of the District of Columbia, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed with costs.

per Mr. Chief Justice Waite.

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87. John B. Dumont vs. The Des Moines Valley R.R. Co. & A. Pierce, Robert McCarty, Jas. Fallon, James Collins, David Risk, Michael Drennan, Patrick McEvoy, Eli Carson, & Jno. Gardner.

Appeal from the Circuit Court of the United States for the District of Iowa.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Iowa, and was argued by counsel. On consideration whereof, the Court being equally divided in opinion, It is now here ordered,

adjudged, and decreed by this Court that the decree of the said Circuit Court in this cause be, and the same is hereby, affirmed with costs.

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112 Thomas P. Leathers vs. The Salvor Wrecking & Transportation Co. | Appeal from the Circuit Court of the United States for the Southern District of Mississippi.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of Mississippi, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Waite

114	DeWitt C. West vs. Uriel Enos & Emily M. Enos - Appellant	Appeal from the Circuit Court of the United States for the Western District of Michigan.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Western District of Michigan, and was argued by Counsel - On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Waite

120	Webster M. Raines for himself & as Executor of C. F. Raines, deceased, to use of Belva A. Lockwood vs. The United States - Appellant	Appeal from the Court of Claims -

This cause came on to be heard on the transcript of the record from the Court

of claims, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause be, and the same is hereby, affirmed.

per Mr. Chief Justice Waite

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966 The Chicago, Danville & Vincennes R.R. Co. and James H. Elwell. vs. William K. Fosdick et al. Appellants

On consideration of the motion to dismiss this cause it is ordered that the appeal be dismissed unless the appellants on or before the first Monday in February next file in this Court a new bond or bonds in the penal sum of fifteen hundred dollars conditioned according to law for costs with sureties to be approved by the Justice of this Court assigned to the seventh Circuit and also within the same time cause a new citation returnable at the next term to be served upon

the appellees.

per Mr. Chief Justice Waite.

The Chief Justice announced that the following new rules had been adopted by the Court.

Rule No. 93.

Regulating practice in the Courts of Equity.

When an appeal from a final decree in an equity suit granting or dissolving an injunction is allowed by a Justice or Judge who took part in the decision of the cause, he may in his discretion at the time of such allowance, make an order suspending or modifying the injunction during the pendency of the appeal upon such terms as to bond or otherwise as he may consider proper for the security of the rights of the opposite party.

Rule 30. of this Court.

In cases where appeals of the character mentioned in Rule 93 regulating equity practice have already been taken, this Court will after the cause has been docketed entertain an application for a suspension or modification of the injunction based upon a statement of the facts affecting the application by a Justice or Judge who took part in the decision. All such applications must be printed and submitted on briefs. No oral arguments will be heard unless specially ordered.

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900 The Sandusky Seat Co. et al. vs. Theodore Comstock et al. Appellants

On consideration of the motion to advance this cause or modify the injunction, It is ordered that the motion may be presented as an application under the rule of this Court just announced.

Resolutions of the Bar of the Supreme Court of the United States on the death of Hon. Caleb Cushing -

Mr. Attorney General Devens addressed the Court as follows:

May it please your Honors,

I ask a few moments delay in the regular progress of the business of the Court that I may bring formally to its attention the decease of Caleb Cushing, of Massachusetts.

The high positions held by him in the service of the country, his eloquence, his learning and ability so often displayed in the debates of this Court, seem to render it proper that we should pause for some notice of the void which has been occasioned by his departure.

At the age of twenty-five, Mr. Cushing was already a distinguished figure in the politics of Massachusetts.

Ten years later he came into the National Councils, and from that time was prominent, alike in sunshine and in storms, in the long historic era over which his life extended. How full that life was of important and varied public service will be seen when it is recalled that he was repeatedly a member of the legislature of his native State and of our National Congress, that he was a Justice of the Supreme Judicial Court of Massachusetts, that he was the Counsel of the United States in the Arbitration at Geneva, that he was its Foreign Minister at the Courts of China and of Spain, that he was the Attorney General of the United States, and that to these civil services he added military service as a General in the Army during the war with Mexico.

In private character, and in social intercourse, Mr. Cushing was most attractive. His rare powers of conversation, his large and well digested stores of learning, made him a fascinating companion to all who listened

to him, while his readiness and cordial desire to serve others by the multitude of resources at his command, was always conspicuous.

Of his extended public career, of the political controversies in which he engaged or into which he was thrown, the present is not the time to speak. While one who has filled so large a space in public affairs must be judged as his life shall appear when viewed by the clear light of impartial history, the hour when he departs is not the time to disturb the ashes which have gathered over the slumbering fires of old and in many instances, forgotten controversies. Nor, were this the time, would this ever be the place for their appropriate discussion. Yet it is appropriate to remember here, that so profound was his knowledge of international law, and of politics in the larger sense of the term, that to those Administrations of which he was not a member, nor even in direct sympathy, he was

able to lend an aid, as counsellor in matters of a general character as distinguished from those of mere party controversy, which was held by them to be great and valuable.

Elsewhere justice will be done to his merits as an accurate observer and a graceful writer, to his accomplishments as a scholar and a linguist, and to his labors for the country as one of its statesmen and diplomatists. Here, and to-day, we would desire to recall him as the wise and profound lawyer, whose learning and ability have contributed to the discussion of many of the most important questions of his time.

His judicial career on the Supreme Bench of his native State was brief, but it was long enough to establish his reputation as a courteous, just, and able magistrate. But his true sphere as a lawyer was that of the advocate. His intellect was of the controversial cast, which adapted him for the conflict of the Bar rather

than the calmer and graver duties of the Bench. Yet, while he was an opponent vigorous and persistent, he was always fair and candid. As a debater he was master of every resource, eloquent and adroit, always speaking from a full knowledge of the subject on which he spoke. He spared no labor in preparation, and his ready powers of acquisition enabled him to fortify himself with weapons of attack and defence drawn from every armory and storehouse of the law. The Reports of this Court furnish the evidences of the ability with which he discussed all matters, whether appearing as counsel for private parties or for the government. The Opinions of the Attorneys General attest how much skill and research he brought to those practical questions of administration which, as a Cabinet Officer, demanded from him the judgment of a learned and experienced lawyer. Nor should I fail to remember that as a legislator, alike in his native State and in the Congress of the

United States, he contributed widely and generously to that public legislation which is independent of party controversy, even when deeply engrossed in the public conflicts of his time. The volume of the Revised Statutes of the United States which lies within reach of the hands of your Honors demonstrates his patient industry, although from its nature it could not testify to his genius as a legislator. By that exhaustive industry which would be content with no half-knowledge of any subject, but which would master each in turn, he supplemented, as successive occasions arose, his large knowledge of the science of government, of jurisprudence, of equity, of the common, the statute, and the maritime law, and of commercial and industrial affairs.

The illustrious magistrates who composed this Bench while he filled the office of Attorney General have, with one exception passed away. With some premonition, perhaps, that his

own end was near (although he did not desist from projects of labor and study), Mr. Cushing, since his return from Madrid, a little more than a year since, has resided principally at his old home in Newburyport. The anchor of the storm-worn ship was to fall where first its pennon had fluttered in the breeze. On January 2d, a little way from the spot where he had been born seventy-nine years before, he, too, has gone to his rest in the city which had honored and loved him in his youth, his manhood, and his maturer years.

The Bar of this Court have desired me, in testimony of their respect for his memory, to submit to the Court the resolutions which I have now the honor to read.

—Resolutions—

Resolved, That the Bar of the Supreme Court of the United States has been informed with deep regret of the death of Caleb Cushing, for many

years their associate as an able practitioner before this Court.

Resolved, That while the memory of Mr. Cushing deserves to be cherished as a citizen and a soldier, as a scholar and a historian, as a statesman and a diplomatist, the Bar desire especially to remember him to-day as a wise legislator as an accomplished publicist, and as a profound and learned lawyer, whose services in all these capacities have been most honorable to himself and most valuable to the Republic.

Resolved, That the Attorney General be requested to communicate these resolutions to the Court, and to move that they be entered of record; and

Resolved, That they be communicated to the family of Mr. Cushing, with the expression of the earnest condolence of the Bar.

The Chief Justice said—

The prominent position which Mr. Cushing has occupied in

public affairs during so much of his long life, his great learning, his distinguished services as Attorney General of the United States, and his large and varied practice at this Bar, make it proper that his brethren should be permitted to place upon the records of the Court their tribute to his memory. The Court cordially approves of the resolutions that have been adopted, and of the remarks of the Attorney General in presenting them here. What has been said is no more than is due to the occasion.

It was my fortune to be associated with Mr. Cushing before the Tribunal of Arbitration at Geneva, and I should be false to my own feeling if I failed to record an expression of gratitude for the kindness and encouragement I received at his hands during all the time we were there together. He was always just towards his juniors, and on that occasion he laid open his vast storehouse of knowledge for the free use of us all. While assuming

that our success would be his, he was willing that his should be ours. He knew how much encouragement can lighten the burden of labor, and never failed to give it when opportunity was offered. Whatever he may have been to others, to us who were with him at Geneva, he will be remembered as a wise and prudent counsellor and a faithful friend.

The resolutions and the remarks of the Attorney General in presenting them may be entered upon the records of the Court.

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885 William H. Platt vs. Appellant
The Union Pacific Railroad Co. et al-

On motion of Mr. Attorney General Devens it is ordered that this cause be re-assigned for argument on the tenth of March next.

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775 A. C. Bradley to use of A. K. Shepherd et al vs. The United States | Appellants | On motion of Mr. A. Nelson ordered that leave be granted the Clerk to issue the Mandate in this cause.

1071 Martha Trigg et al vs. Thomas Nelson, Executor &c of John Trigg, deceased | Appellants | Mr. Fillmore & Beall, of counsel for the appellees, having filed and read in open Court the following certificate, to wit:

"United States of America
Western District of Tennessee
In the Circuit Court of the United States within and for the Western District of Tennessee in the Sixth Judicial Circuit thereof.

Proceedings had in said Court at a Regular Term thereof, begun and held for its November Term A. D. 1877, at the United States

Court House in the City of Memphis in said District, on, to wit, the 11th day of February, A.D. 1878, in the following cause to wit:

Thomas A. Nelson Executor of the last will and testament of John Trigg, deceased -

No. 291 vs. Plaintiff

Martha Trigg, Thomas B. Trigg, William H. Trigg, Lizzie Walker, late Trigg, Lucy J. Stockley, late Trigg, & her husband Chas. A. Stockley, Frank H. Walker infant son of Henry C. Walker, deceased, and Lizzie Walker, H. B. Miller & Co, A. J. White & Co, Lloyd & Stock, Union Bank of Tennessee, Jack & Shanks, Colhin Wilson & Co, Stovall & Mitchell, Dr E. Woodward, P. C. Bethel, Brooks & Saunders, Chandler & Co, Frazier & Willett, Moon Halstead & Co, Wm. Cooper, W. N. Bolton, W. A. Williamson, Esther Chapman, ——— Ventress, Canal Bank New Orleans, James H. Carroll, John Watts & Co, Jacob Steinhart, Gideon J. Pillow and

Mary E. Pillow his wife formerly Mary E. Trigg, B. M. Pond, Elizabeth A. Pond, his wife, & B. M. Furlund, Guardian ad litem of minor heirs of W. W. Trigg, deceased - Defendants.

United States of America
Western District of Tennessee.

In the Circuit Court of the United States, within and for the Western District of Tennessee in the Sixth Judicial Circuit thereof

Proceedings had in said Court, at a Regular Term thereof begun and held for its November Term A. D. 1877, at the United States Court House, in the City of Memphis, in said District, on to-wit: the 11th day of February A. D. 1878, in the following cause, to-wit: being the same stated above -

Thomas A. Nelson, Executor, Plaintiff, No. 291. vs.
Gideon J. Pillow and Marie E. Pillow et al. Defendants

Monday, January 13, 1879, Continued-

In this cause before the Honorable John Baxter, Circuit Judge, Complainant Nelson moves the Court to dismiss and remand to the Chancery Court of Shelby County, Tennessee, upon the ground that it is not a cause which may be removed to this Court under the law as to the removal of causes from State Courts: And it is by the Court ordered that the said motion be sustained, and the cause dismissed from this Court and remanded to said Chancery Court. And from this decree Defendants pray an appeal to the Term of the Supreme Court of the United States to be held on 1st Monday of October next: And the appeal is granted to them; and it is ordered that they do within sixty days from this date execute and file in this cause their Bond for costs conditioned according to law.

United States of America
Western District of Tennessee.

In the Circuit Court of the United States, within and for the Western District of Tennessee in the Sixth Judicial Circuit thereof.

Proceedings had in said Court, at a Regular Term thereof begun and held for its November Term, A.D. 1877, at the United States Court House, in the City of Memphis, in said District, on to-wit: the 13th day of February A. D. 1878, in the following cause, to-wit:

T. A. Nelson, Executor
of John Trigg - Plaintiff
No. 291 - vs.
Mary E. Pillow and
Gid J. Pillow - Defendant

This day before the Honorable John Baxter, Circuit Judge, appeared the defendant Mary E. Pillow and her husband by their counsel in open Court and moved the Court for leave to amend the petition filed in the State Court for the removal of this cause

to the Circuit Court of the United States by inserting in said petition the following additional statement of facts, to be inserted at the end of the first paragraph of said petition, and immediately after the word "changed". The proposed amendment is as follows, to wit: Petitioner states that she was born and lived all her life under the Civil Law of Louisiana, that she was not pleased with what she was informed was the legal status of married women under the common law, which was the law of Tennessee, that in view of her inter-marriage with her present husband, she entered into an ante-nuptial marriage contract with him by the terms of which she reserved all of her property and civil rights as they existed under the laws of Louisiana and that she and her husband made the laws of Louisiana their marital rights no matter where in future they might make their domicil, that she meant thereby to

retain her citizenship in Louisiana, and understood that such would be the effect of her said action though she contemplated a temporary change of domicil to Tennessee, that she has always regarded her domicil in Tennessee as temporary. That she had always understood citizenship as compulsory that is legal only from nativity and voluntary from choice, that her citizenship in Louisiana was legal and compulsory from nativity, this citizenship she did not voluntarily relinquish or change, nor did she intend to do so, that she is still a citizen of Louisiana unless her change of domicil temporarily carries with it a compulsory citizenship against her wishes and intentions. Which motion to amend the Petition the Court allowed to be entered and for that purpose suspended the order to remand and the order granting an appeal in

this cause. And thereupon after considering said motion to amend the Petition the Court overruled the same and ordered that this order be embodied in the record of this case as appealed to the Supreme Court, and thereupon the Court re-affirmed the decree heretofore entered in this cause dismissing and remanding this cause to the Chancery Court from whence it came and allowing the Petitioner an appeal to the Supreme Court of the United States, on the condition in said former decree prescribed.

I, Bell M. Etheridge, Clerk of the Circuit Court of the United States for the Western District of Tennessee, do hereby certify that the foregoing two orders are true and perfect copies from the records of the said Court as the same now appear in my Office in the above entitled cause; that the defendants Gideon J. Pillow and Mary E. his wife prayed an appeal from the decree aforesaid

against them as more fully appears of record on the 13th day of February A.D. 1878; and the date on which the decree so appealed from was rendered was as appears of record the 13th day of February A.D. 1878.

Witness my hand as Clerk and the seal of the said Court, this the 21st December A.D. 1878, and of the Independence of the United States the 103d year.

(Seal)

Bell N. Sheridge
C.C."

and having stated that the appellants have altogether failed to file the record of said cause in this Court, or in any way to prosecute said appeal, now here moved the Court, in pursuance of the 9th Rule of this Court, to have this appeal docketed and dismissed. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court, that this appeal from

the Circuit Court of the United States for the Western District of Tennessee be, and the same is hereby, docketed and dismissed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court to be proceeded in according to law and justice.

Per Mr. Chief Justice Waite

1072 Hobart C. Dugger and Alice V. Prague, by her husband Myron T. Sprague. vs. Plffs in Error
Willis P. Bocock, Henry A. Taylor, Robert L. Maupin, Alice G. Dugger, Alice G. Dugger, Admx of Henry Dugger, Alice G. Dugger, Admx of John M. Dugger, Alice G. Dugger, as guardian of H. C. Dugger and A. V. Prague, W. H. Dugger, R. H. Dugger, and L. M. Dugger.

Mr. J. T. Jones, of counsel for the defendants in error, having filed and read in open Court the following certificate, to wit:

Supreme Court of Alabama.

Hobart C. Dugger and Alice V. Sprague by her husband Myron F. Sprague. Plaintiffs in Error

vs.

Willis P. Bocock, Henry A. Tayloe, Robt L. Maupin, Alice G. Dugger, A. G. Dugger Admx. Henry Dugger, A. G. Dugger Admx Jno. W. Dugger, A. G. Dugger Guardian of H. C. Dugger and A. V. Sprague, W. W. Dugger, Reuben H. Dugger, and Luke W. Dugger. Defendants in Error.

I hereby certify that a decree was rendered in the above stated cause, in favor of the Defendants in error, at the June Term 1878 of the Chancery Court of Hale County in the State of Alabama and that said decree bears date the 28th day of June 1878

I further certify that an appeal was taken from said decree by said plaintiffs to the Supreme Court of Alabama on the 1st day of July 1878.

that said decree was by said Supreme Court affirmed at the December Term thereof 1877 and that a writ of error in the above stated cause was duly sued out and allowed on the 6th day of August, 1878.

Given under my hand and the seal of the Supreme Court of Alabama at Montgomery Ala. this 26th day of December, 1878.

(Seal)

T. J. Rutledge
Clerk Sup. Ct. of Ala."

and having stated that the plaintiffs in error have altogether failed to file the record of said cause in this Court or in anyway to prosecute said writ of error, now here moved the Court, in pursuance of the 9th Rule of this Court, to have the writ of error in this cause docketed and dismissed. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause to the Supreme Court of the State of Alabama be, and

same is hereby, docketed and dismissed with costs; And that this cause be, and the same is hereby, remanded to the said Supreme Court to be proceeded in according to law and justice.

per Mr. Chief Justice Waite

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846. William Faxon et al vs. Plffs in Error / Thos. Russell, Collector &c. | This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. C. L. Woodbury, of Counsel for the plaintiffs in error, and by Mr. Asst Attorney General Smith, for the defendant in error, under the 3d Rule.

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164. The Village of Evanston vs. Plff in Error / Jesse Gunn | This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. George O. Ide, of Counsel for the plaintiff in error, and by Mr. Hirt Dexter for

the defendant in error, under the 2d Rule.

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804. Frank S. Case, Receiver &c. vs. Alfred Marchand et al — In Error

This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. J. D. Rouse and Mr. Thos. Grant, of counsel for the plaintiff in error, and by Mr. Joseph P. Hornor, for the defendant in error, under the 20th Rule.

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810. M. Wolf et al vs. Louis Stix et al — Appellants

This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. W. M. Randolph and Mr. Henry Craft, of counsel for the appellants, and by Mr. Josiah Patterson, for the appellees, under the 20th Rule.

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687. The United States vs. Jeremiah Hall — Plaintiff

On motion of Mr. Asst Attorney General Smith, it is ordered

that this cause be advanced and argued with Nos. 126 and 127.

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816 | DeWitt C. Farrell et al vs. Plff in Error The United States | This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. C. B. McCagg, of counsel for the plaintiffs in error, and by Mr. Ass't Attorney General Smith, for the defendant in error.

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566 | The United States vs. Plff in Error Adam Hab. | This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. Assistant Attorney General Smith, of counsel for the plaintiff in error, and by Mr. P. S. Wilson, for the defendant in error.

Monday, January 13th, 1879, Continued.

754 The United States vs. Plff in Error
Clark W. Thompson et al.

The argument of this cause was commenced by Mr. Asst Attorney General Smith, of counsel for the plaintiff in error, and continued by Mr. M. S. Wilkinson, for the defendants in error.

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Tuesday January 11th 1870.

Pursuant to adjournment the Court met to-day at the Capitol.

Present -

The Honorable Morrison R. Waite, Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan
} Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Assistant Attorney General Smith it is ordered that Edward R. Duffie, Esquire, of Sac City, State of Iowa, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George N. Biddle, it is ordered that John Fallon, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

5

990.	Albert Uebel vs. Salvador Maltese	Pff in Error	On motion of Mr. J. H. Mandeville ordered that leave be granted the Clerk to issue the Mandate in this cause.

754.	The United States vs. Clark W. Thompson et al.	Pff in Error	The argument of this cause was concluded by Mr. Asst Attorney General Smith, of counsel for the plaintiff in error.

124.	Aristides Doggett, Receiver &c. vs. The Florida Railroad Co.	Appellant	The argument of this cause was commenced by Mr. J. G.

Tuesday, January 14th, 1879. Continued.

Strong, of counsel for the appellant, continued by Mr. W. M. Merrick, of counsel for the appellees, and concluded by Mr. W. A. Maury, for the appellant.

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125. Orange Noble et al vs. Plffs in Error
The Thompson Oil Co. et al.

The argument of this cause was commenced by Mr. John Fallon, of counsel for the plaintiffs in error.

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Wednesday, January 15th 1879.

Pursuant to adjournment the Court met to-day at the Capitol.

Present.

The Honorable, Morrison R. Waite, Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan
} Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Attorney General Devens it is ordered that E. S. Mansfield, Esquire, of Boston, State of Massachusetts, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

Wednesday, January 15th, 1879. Continued.

838.	George B. Finfield vs. Riffin Error To County of Gallatin	This cause was submitted to the consideration of the Court on the

record and printed arguments by Mr. S. M. Cullom and Mr. O. J. Bailey, of counsel for the plaintiff in error, and by Mr. Bluford Wilson and Mr. N. L. Knapp, for the defendant in error, under the 20th Rule.

125.	Orange Noble et al vs. Riffin Error To Thompson Oil Co. et al.	The argument of this cause was continued by Mr.

John Fallon, of counsel for the plaintiff in error, and by Mr. J. Boone Defend, of counsel for the defendants in error, and concluded by Mr. George N. Bidale, for the defendants in error.

Wednesday, January 15th 1879. Continued.

	The United States	These cases were submitted to the consideration of the Court on the record and printed arguments by Mr. Assistant Attorney General Smith, of counsel for the plaintiff, and by Mr. Louis Benecke for himself in No. 126 — No counsel for defendant in No. 127.
126	vs. Plaintiff	
	Louis Benecke	
	and	
	The United States	
127.	vs. Plaintiff	
	Clark Irvine.	

	The United States	The argument of this cause was commenced by Mr. Asst Atty General Smith, of counsel for the plaintiff.
687.	vs. Plaintiff	
	Jeremiah Hall.	

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Thursday January 16. 1879.

Pursuant to adjournment the Court met to day at the Capitol.

Present.

The Honorable Morrison R. Waite, Chief Justice

Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan

} Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton Clerk

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. W. K. Beebe it is ordered that Isaac J. Maccabe, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. G. Abbott it is ordered that O. W. Holmes, Junior, of Boston, State of Massachusetts, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. M. P. Henry, it is ordered that James D. Roney, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to this Court in this behalf by Mr. G. L. Fort it is ordered that Andrew J. Bell, Esquire, of Peoria, State of Illinois, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

Thursday, January 16, 1879, continued.

The Central Pacific Railroad Co.
472 vs. Appellant
Albert Gallatin

This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. S. M. Sanderson, of counsel for the appellant, and by Mr. George A. Williams, of counsel for the appellee, under the 20th Rule.

Chester A. Arthur, Collector of the Port of New York.
509 vs. Plaintiff in Error
Albert Weihenmayer, William Schultz Jr. Samuel Clarkson, M. Odin Horstmann, and Geo. H. Schultz.

In Error to the Circuit Court of the United States for the Southern District of New York.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of New York, and on the motion of Mr. Assistant Attorney General Smith, of counsel for the plaintiff in error, It is now here ordered

and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed, with costs.

per Mr. Chief Justice Waite

Edward L. Baker, Henry Knight, Edwin Dayton et al. vs. Frederick A. Stockwell. 263. Appellants | Appeal from the Circuit Court of the United States for the District of Massachusetts.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Massachusetts, and on the stipulation of counsel on file, and motion of Mr. E. B. Smith, in behalf of counsel, It is now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed with costs.

per Mr. Chief Justice Waite

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50 Barrels of Cologne Spirits, seized at No. 27 Beaver St, Francis O. Boyd & Edgar P. Hill, Claimants vs. Plff in Error The United States

1074

Mr. Assistant Attorney General Smith, of counsel for the defendant in error, having filed and read in open court the following certificate, to-wit:

"U. S. Circuit Court
South. District of New York.

The United States of America
against
50 Bbls. Cologne Spirits, seized at No. 27 Beaver St., Francis O. Boyd and Edgar P. Hill, Claimants.

I, John J. Davenport, Clerk of the United States Circuit Court for the Southern District of New York, do hereby certify that a writ of Error to the U.S. Supreme Court was sued out in the above suit by the claimants above named and made returnable

on the second Monday of October 1878.

That said return has not been forwarded to the U.S. Supreme Court, the same being withheld because of the non-payment of the fees of the Clerk of this Court for making such return.

Dated New York, December 13, 1878.

(Seal) John S. Davenport
Clerk"

and having stated that the plaintiffs in error had altogether failed to file the record of said cause in this Court, or in anyway to prosecute said writ of error, now here moved the Court, in pursuance of the 9th Rule of this Court, to have the writ of error in this cause docketed and dismissed - On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause to the Circuit Court of the United States for the Southern District of New York be, and the same is hereby, docketed and dismissed; And that this cause be, and the same is

hereby, remanded to the said Circuit Court to be proceeded in according to law and justice.

per Mr. Chief Justice Waite.

922	A. Lastrapes & Co. vs. Riffin Error Jules A. Blanc et al.	On motion of Mr. P. Phillips leave is hereby granted the Clerk to issue the

Mandate in this cause.

129	John L. Macauley, Assignee of Wm Bailey vs. The United States Appellant	Appeal from the Court of Claims.

This cause came on to be heard on the transcript of the record from the Court of Claims, and on the motion of Mr. C. F. Peck, of counsel for the appellant It is now here ordered and adjudged by this Court that this appeal be, and the same is hereby, dismissed.

per Mr. Chief Justice Waite.

Thursday, January 16, 1879, Continued—

687. The United States vs. Jeremiah Hall. — The argument of this cause was continued by Mr. Ass't Attorney General Smith, of counsel for the plaintiff, by Mr. P. C. Smith, of counsel for the defendant, and concluded by Mr. Ass't Attorney General Smith, for the plaintiff.

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119. Thos. P. Mills Jr., Admr &c. vs. Pltff in Error Levi H. B. Scott — This cause was argued by Mr. A. T. Akerman, of counsel for the defendant in error, and submitted on printed argument by Mr. Walter S. Chisholm, for the plaintiff in error.

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128. The Union National Bank of St. Louis vs. Pltff in Error Elizabeth A. Matthews — This cause was argued by Mr. P. Phillips, of counsel for the plaintiff in error, and submitted on printed argument by Mr. J. A. Hunter and Noble & Orrick, for the defendant in error.

Thursday January 16. 1879. Continued.

130. The Steamship "Abbotsford" &c. vs. Appellant
Thomas J. Johnson, Master &c.

The argument of this cause was commenced by Mr. M. P. Henry, of counsel for the appellant. Further argument postponed.

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131. Mary G. Hussey vs. Appellant
Job Smith
and
132. Joseph G. Hussey and Mary G. Hussey, his wife vs. Appellants
Job. Smith et al

These cases were submitted to the consideration of the Court on the records and printed arguments by Mr. Z. Snow and Mr. C. D. Hogg, of counsel for the appellants, and by Mr. S. A. Merritt, for the appellees.

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Friday, January 17, 1879.

Pursuant to adjournment the Court met to-day at the Capitol.

Present.

The Honorable Morrison R. Waite, Chief Justice

Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan

} Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Howard Ellis it is ordered that William Henry Morgan, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

Friday, January 17, 1879, Continued:

133 The United States vs. Appellant
Oakes A. and Oliver Ames, Executors.

The argument of this cause was commenced by Mr. E. S. Mansfield, of counsel for the appellant, continued by Mr. O. W. Holmes Jr., and Mr. Geo. O. Shattuck, of counsel for the appellees, and concluded by Mr. G. A. Somerby, for the appellant.

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134 S. L. Hoge, Compt. Gen'l. vs. Appellant,
The Richmond & Danville Railroad Company.

The argument of this cause was commenced by Mr. Leroy F. Youmans, of counsel for the appellant, and continued by Mr. Skipwith Wilmer, of counsel for the appellees.

Proclamation being made the Court is adjourned until Monday next at twelve o'clock.

Monday, January 20, 1879.

Pursuant to adjournment the Court met to day at the Capitol.

Present.

The Honorable Morrison R. Waite, Chief Justice

Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan
} Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened

On motion first made to the Court in this behalf by Mr. L. F. Parsons it is ordered that Alonzo W. Slayback, Esquire, of St. Louis, State of Missouri, and H. C. Pindell and W. O. Harris, Esquires, of Louisville, State of Kentucky, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. R. P. Spalding it is ordered that William Sheffield, Esquire, of Napoleon, State of Ohio, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. P. Phillips it is ordered that C. V. Irwin, Esquire, of Lexington, State of Mississippi, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. E. G. Lapham it is ordered that George Gorham, Esquire, of Buffalo, State of New York, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William M. Evarts it is ordered that Simon Sterne, Esquire of New York City, be admitted to practice as an

attorney and counsellor of this Court and he was sworn accordingly.

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99. Sarah H. Reed, impleaded with Lucy S. Sanderson vs. Charles N. McIntyre, Assignee in bankruptcy of H. H. Shuey. | Appeal from the Circuit Court of the United States for the District of Minnesota

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Minnesota, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court in this cause be, and the same is hereby, affirmed with costs.

per Mr. Justice Harlan

Dissenting:
Mr. Justice Bradley.

William J. DeTreville vs. Robert Smalls.	In Error to the Circuit Court of the United States for the District of South Carolina.
102 Plff in Error	

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of South Carolina, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be, and the same is hereby, affirmed with costs.

per Mr. Justice Strong

Dissenting;
Mr. Justice Field.

Jane Quinn, Administratrix de bonis non of David Quinn, deceased. vs. The United States	Appeal from the Court of Claims
110 Appellant	

Monday, January 20, 1879. Continued.-

This cause came on to be heard on the transcript of the record from the Court of Claims and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Court of Claims with directions to render a judgment for the administratrix of claimant for the sum of seventeen hundred and forty dollars.

per Mr. Justice Miller

1147	George Hendrie vs. Thomas Sayles	Appeal from the Circuit Court of the United States for the Eastern District of Michigan.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Michigan, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said

Circuit Court in this cause be, and the same is hereby, affirmed with costs and interest, until paid, at the same rate, per annum that similar decrees bear in the Courts of the State of Michigan.

per Mr. Justice Clifford

The United States vs. Appellant 784. Joseph S. Farden	Appeal from the Court of Claims

This cause came on to be heard on the transcript of the record from the Court of Claims, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause be, and the same is hereby, affirmed.

per Mr. Justice Clifford

Monday, January 20, 1879, Continued:

	William Faxon and James C. Ems - vs. Thomas Russell, Collector of the Port of Boston.	In Error to the Circuit Court of the United States for the District of Massachusetts
846.		

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Massachusetts, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be, and the same is hereby, reversed with costs; And that this cause be, and the same is hereby, remanded to the said Circuit Court, with directions to award a new trial in conformity with the opinion of this Court.

Per Mr. Chief Justice Waite

The Steamship "Abbotsford," her tackle &c, John DeLaMotte, Master & Claimant

130. vs. Appellant

Thomas J. Johnson, Master of the Schooner Rosanna Rose;

Appeal from the Circuit Court of the United States for the Eastern District of Pennsylvania.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Pennsylvania, and it appearing to the Court that the record contains no finding of facts, no statement of conclusions of law, and no bill of exceptions; It is therefore ordered that said cause be, and the same is hereby, remanded to the said Circuit Court to make and file a statement of facts and conclusion of law upon which the decree was rendered.

Per Mr. Chief Justice Waite.

983. Michael Ryan vs. Appellant
The Central Pacific Railroad Company.

The question presented by the parties for our determination upon this record, is whether the cause comes within the rule adopted in Newhall v. Sanger, 92 U.S., 761. The Attorney General having represented that this question is one of great practical importance to the United States and that he desires to be heard upon it before a decision is reached, the cause may be orally argued upon that question alone, at any time that may suit the convenience of the counsel of the parties and the Attorney General before the first Monday in February next and upon that argument the Attorney General will be heard in the interest of the United States.

per Mr. Chief Justice Waite

	The Denver & Rio Grande Railroad Company.	On motion of Mr. E. R. Hoar leave is hereby granted him to file motions for leave to the Atchison, Topeka & Santa Fe Railroad Co. to intervene as appellant
811.	vs. Appellant	
	Ebenezer T. Illing et al	
	And	
	The Denver & Rio Grande Railroad Company.	
812.	vs. Appellant	
	The Canon City & San Juan Railway Company.	

in these cases; that the stipulation for the submission of said cases under the 30th rule be cancelled; that the printed arguments filed in said cases be withdrawn; and that said appeals be dismissed without costs to the appellees, and that notice of said motions be given returnable on the 3d Monday in March.

	Chauncey P. Williams et al	On motion of
1047	vs. Plff's in Error	Mr. George F. Edmunds,
	Wm. J. Weaver et al.	it is ordered

that this cause be advanced and assigned for argument with No. 97.

The Baltimore & Bridgs Co. vs. Appellant
L. H. Meyer et al

Mr. H. C. Pindell, of counsel for the appellees, presented the certificate of the Clerk and moved the Court that this appeal from the Circuit Court of the United States for the District of Kentucky be docketed & dismissed - Whereupon this Court not being now here advised of and concerning what order to render in the premises took time to consider.

Michael Ryan vs. Appellant
983. The Central Pacific R. R. Co.

On motion of Mr. Attorney General Devens it is ordered that this cause be assigned for oral argument on the 27th instant, on points specified by the Court.

Conrad N. Jordan et al 556. vs. Appellants John G. Stevens et al.	On motion of Mr. N. A. Conwaray it is ordered that this cause be re-assigned for argument on the 17th of March.

Conrad N. Jordan et al 556. vs. Appellants John G. Stevens et al.	On motion of Mr. John McDonald it is ordered that the time allowed him for filing briefs in this cause be extended until the 11th of March.

Henry O. Lakin, Assignee of Samuel S. Wilcox, R. De Hass Wilcox, & A. Murray Harrington. 1075 vs. Appellant The First National Bank of Jamestown.	Mr. George Gorham, of counsel for the appellee, having filed and read in open Court the following certificate,

to wit:

"United States Circuit Court
Northern District of New York.

Henry O. Lakin Assignee of all the estate real and personal of Samuel S. Wilcox, T. DeWitt Wilcox & A. Murray Harrington. vs. The First National Bank of Jamestown. } In Equity

Northern District of New York, ss:

I, Charles Mason, Clerk of said Court, do hereby certify that in the above entitled cause a decree dismissing the bill of complaint therein was entered on the 8th day of July 1875; that an appeal to the Supreme Court of the United States was allowed August 23, 1875, and that a bond on appeal was filed in my office August 23, 1875.

In testimony whereof I have hereunto set my hand and duly affixed the seal of the said Circuit Court at the City of Utica, this 23d day of April, A.D. 1877.

(Seal)

Charles Mason, Clerk."

And having stated that the appellant had altogether failed to file the record

of said cause in this Court or in anyway to prosecute said appeal, now here moved the Court, in pursuance of the 9th Rule of this Court, to have this appeal docketed and dismissed - On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that this appeal from the Circuit Court of the United States for the Northern District of New York, be, and the same is hereby, docketed and dismissed with costs; And that this cause be, and the same is hereby, remanded to the said Circuit Court to be proceeded in according to law and justice.

Per Mr. Chief Justice Waite

Henry O. Lakin, Assignee of Samuel S. Wilcox, Re. De Lees Wilcox, and A. Murray Harrington.

1076. vs. Appellant

Jerome Preston and Lewis Andrews -

Mr. George Gorham, of counsel for the appellee, having filed and read in open Court the following certificate, to wit;

Monday, January 20, 1879. Continued-

"United States Circuit Court
Northern District of New York.

Henry C. Laskin, Assignee of all the estate real & personal of, Samuel S. Wilcox, R. DeWees Wilcox and A. Murray Harrington.
vs.
Jerome Preston & Lewis Andrews.
} In Equity

Northern District of New York, ss:

I, Charles Mason, Clerk of said Court, do hereby certify that in the above entitled cause a decree dismissing the bill of complaint therein was entered on the 8th day of July 1875; that an appeal to the Supreme Court of the United States was allowed August 23, 1875, and that a bond on appeal was filed in my office August 23, 1875.

In testimony whereof I have hereunto set my hand and (Seal) duly affixed the seal of the said Circuit Court at the City of Utica, this 23d day of April A.D. 1877.

Charles Mason, Clerk."

and having stated that the appellant had altogether failed to file the record of said cause in this Court, or in any way to prosecute said appeal, now here moved the Court, in pursuance of the 6th Rule of this Court, to have this appeal docketed and dismissed. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that this appeal from the Circuit Court of the United States for the Northern District of New York be, and the same is hereby, docketed and dismissed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court to be proceeded in according to law and justice.

Per Mr. Chief Justice Waite.

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780. Wm. McBurney et al vs. Caroline Carson. Appellants

This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. Edward McCready, of counsel for the

appellants, and by Mr. James Lowndes and Mr. C. A. Seward, for the appellees, under the 20th Rule; with leave to appellant to file reply brief by the 10th of February.

S. L. Hoge, Compt. Genl &c.
134 vs. Appellant
The Richmond and Danville
Railroad Company.

The argument of this cause was continued by Mr. Kilpatrick & Wilmer & Mr. Wm E. Earle, of counsel for the appellee, and concluded by Mr. L. F. Tourmans, of counsel for the appellant.

The Guardian Mutual
Life Insurance Co.
135 vs. Pltff in Error
Rosella Eisner

This cause was argued by Mr. A. H. Layback, of counsel for the defendant in error. No counsel appearing for the plaintiff in error.

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725. Wm. B. Elliot, Collector &c. vs. Plff in Error — The East Penna. R.R. Co. | On motion of Mr. Asst Atty Genl, Smith it is ordered that this cause be re-assigned for argument on the 22nd inst.

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Tuesday, January 21. 1879.

Pursuant to adjournment the Court met to-day at the Capitol.

Present.

The Honorable Morrison R. Waite, Chief Justice.

Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan
} Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. A. A. Clark it is ordered that Walter L. Clarkson, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

The Central Pacific Railroad Company vs. Appellant, Albert Gallatin	The motion to dismiss filed in this cause by the Attorney General, was submitted,

9172.

to the consideration of the Court by Mr. Attorney General Devens, in support of the same, and by Mr. G. A. Williams and Mr. J. H. Jamieson, in opposition thereto.

Emerson G. Orvis vs. Appellant Nathan Powell.	On motion of Mr. E. B. Smith, it is ordered that leave be granted the Clerk to

35.

issue the Mandate in this cause.

J. Warren Grigsby et al vs. Appellants C. N. Powell & Co. et al.	Mr. George Hoadly suggested the death of J. Warren Grigsby, one of the

136

appellants in this cause, and moved the Court for leave to enter the appearance of Susan P. Grigsby, Admix of the said J. Warren Grigsby as appellant — Whereupon, It is now here ordered by

the Court that Susan P. Grigsby, as Admx aforesaid, be, and she is hereby entered and made the party appellant in this cause in place of said J. Warren Grigsby, deceased, with liberty to prosecute this appeal.

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136. Susan P. Grigsby, Admx of J. Warren Grigsby, dec'd - vs. - Appellant, C. M. Purcell et al. — The motion to dismiss this cause for want of jurisdiction was argued by Mr. W. O. Harris, in support of the same, and by Mr. George Hoadly, in opposition thereto - Thereupon this Court not being now here sufficiently advised of and concerning what order to render in the premises took time to consider.

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137. The Mobile & Ohio R.R. Co. vs. Riffin in Error - The State of Mississippi — This cause was argued by Mr. W. W. MacFarland, of counsel for the plaintiff in error, and by Mr. Dan H. Manning, for the defendant in error.

138.	Robert Tillson et al vs. The United States	Appellants	On motion of Mr. Solicitor General Phillips it is ordered that this

cause be, and the same is hereby, continued until the next term

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139.	The South & North Alabama R.R. Co. vs. The State of Alabama	Pl'ff in Error	Ordered that this cause be, and the same is hereby, continued until the next term.

140.	John Foster et al vs. Francis Morad.	Pl'ff in Error	This cause was submitted to the consideration of the Court on the record and

printed argument by Mr. E. L. Gould, of counsel for the plaintiffs in error, and by Mr. John T. Doyle, for the defendant in error.

141.	Charles W. Kirtland vs. L. L. Hotchkiss	Pl'ff in Error	Ordered that this cause be, and the same is hereby, passed.

The Sioux City & St. Paul R.R. Co. vs. Plff in Error 1142 William S. Treadway	This cause was argued by Mr. H. E. Paine, of counsel for the defendant in error. No counsel appearing for the plaintiff in error.

The United States vs. Appellant 1143 Evelina Perot, wife &c.	This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. Solicitor General Phillips, of counsel for the appellant, and by Mr. P. J. Durant and Mr. C. K. Homer, for the appellee.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock &c.

Wednesday, January 22, 1879.

Pursuant to adjournment the Court met to-day at the Capitol

Present

The Honorable Morrison R. Waite, Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan
} Associate Justices.

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Attorney General Devens it is ordered that Milton T. Peters, Esquire, of Princeton, State of Illinois, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Hon. Thomas Ewing it is ordered

that James H. Collins, Esquire, of Belmont County, State of Ohio, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

The U.S. Ex rel: Alexander McLeod -
843. vs. Plff in Error
John Sherman, Secy of the Treasury.

On motion of Mr. W. A. Maury it is ordered that this cause be assigned for argument on the 20th of March next.

A. W. Berry & Martin Hinojosa, surviving Executors of Henry L. Kinney, deceased.
41 vs. Appellants
J. Temple Doswell.

Appeal from the Circuit Court of the United States for the Eastern District of Texas.

This cause came on to be heard on the transcript of the Record from the Circuit Court of the United States for the Eastern District of Texas, and on the authority of counsel for the appellants on file, and motion

of Mr. W. H. Phillips, in behalf of counsel, It is now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed, each party paying their own costs.

Per Mr. Chief Justice Waite

H. N. Berry & Martin Hinojosa, Surviving Executors of Henry L. Kinney, deceased.
vs. Pltffs in Error
J. Temple Doswell.

In Error to the Circuit Court of the United States for the Eastern District of Texas.

42

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Texas, and on the authority of counsel for the plaintiffs in error on file, and motion of Mr. W. H. Phillips, in behalf of counsel, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed, each party paying their own costs. Per Mr. Chief Justice Waite

Elg R. Jones, Admr of, N. N. Nevins, deceased, and Thomas A. McWillie, Admr of J. J. Browne, deceased.
1169. vs. } In Error to the Circuit Court of the United States for the Southern District of Mississippi.
Kate Sevis, Executrix of David L. Sevis, deceased.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of Mississippi, and on the authority of counsel for the plaintiffs in error on file, and motion of Mr. W. H. Phillips, in behalf of counsel, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed with costs.

per Mr. Chief Justice Waite

The Northern Transportation Company of Ohio
1141 vs. } In Error
The City of Chicago.

This cause was argued by Mr. R. P. Spalding, of

counsel for the plaintiff in error, and by Mr. J. F. Bonfield, for the defendant in error.

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136. Susan P. Grigsby, Admx &c. vs. C. H. Purcell et al. Appellant. | Ordered by the Court that this cause be passed, until the first Monday in March next.

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725 Wm. B. Elliot, Collector &c. vs. The East Penna. R. R. Co. Plff in Error | The argument of this cause was commenced by Mr. Asst Atty Genl Smith, of counsel for the plaintiff in error, and continued by Mr. J. E. Gowen, for the defendant in error.

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock &c.

Thursday January 23, 1879.

Pursuant to adjournment the Court met to day at the Capitol.

Present

The Honorable Morrison R. Waite, Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan
} Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Kelly Middleton, Clerk.

Proclamation being made the Court is opened.

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289 The County of Greene vs. Alfred Hendekoper } In Error to the Circuit Court of the United States for the Western District of Missouri.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Western

District of Missouri, and on the authority of counsel for the plaintiff in error on file and motion of Mr. F. M. Coe Kell in behalf of counsel. It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed with costs.

per Mr. Chief Justice Waite.

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795. John Allison vs. Pltff in Error / Chas. J. Davenport | In Error to the Supreme Court of the State of Colorado

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Colorado, and on the motion of Mr. A. C. Alleman, of counsel for the plaintiff in error, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed with costs.

per Mr. Chief Justice Waite.

795	John Hillson vs. Plff in Error Chas. F. Davenport.	On motion of Mr. H. C. Allen and it is ordered, that leave be granted the Clerk to issue the Mandate in this cause.

725.	Wm. E. Elliott Collector &c. vs. Plff in Error The First Nat'l. B. A. Co.	The argument of this cause was continued by Mr. James E. Bowen, of counsel for the defendant in error, and concluded by Mr. Attorney General Brewster, of counsel for the plaintiff in error.

1115	The Chicago & Northwestern Railway Company vs. Plff in Error S. J. McKinley	This cause was argued by Mr. A. M. Stubbard, of counsel for the plaintiff in error, and by Mr. O. P. Shiras, for the defendant in error. (Mr. Justice Strong did not sit in this case.)

Thursday, January 23, 1879. Continued.

1466	The United States vs. Appellant The Burlington & Missouri River Rail Road Company.	The argument of this cause was commenced by Mr. Asst Atty Genl. Smith, of counsel for the appellant.

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Friday, January 24, 1879.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Morrison R. Waite, Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan
} Associate Justices

John G. Nicolay, Esquire, Marshal.
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened.

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593. Robert Cornell White, Appellant, vs. The United States

This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. J. J. Reed, of counsel for the appellant, and by Mr. Asst. Attorney General Smith, for the appellee, under the 30th Rule.

John G. Williams, Admr &c. vs. The United States, Appellant	This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. P. E. Dyer, of counsel for the appellant, and by Mr. Asst Attorney General Smith, for the appellees, under the 20th Rule - Leave granted Mr. Dyer to file reply brief.

1058.

Arthur Pickering et al vs. Michael McCullough et al.	This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. J. E. Maynadier, of counsel for the appellants, and by Mr. N. Bakewell, for the appellees, under the 20th Rule.

1067

The Sioux City & St. Paul R.R. Co. vs. Wm. B. Treadway, Plff in Error	Mr. J. M. Woolworth, in behalf of counsel for

142.

the plaintiff in error, moved the Court for leave to file brief in this cause. Whereupon it is ordered that said motion be, and the same is hereby, denied.

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146. The United States vs. Appellant
The Burlington and Missouri River R.R.Co.

The argument of this cause was continued by Mr. J. M. Woolworth, of counsel for the appellees, and concluded by Mr. Ass't Att'y General Smith, of counsel for the appellant.

(Mr. Justice Strong did not sit in this cause.)

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147. Nathan & Rebecca Meyer vs. Pffs in Error
Benjamin Thompson

This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. E. C. Palmer, of counsel for the defendant in error. No counsel appearing for the plaintiff in error.

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148. A. C. Britton, Surviving partner &c, et al. vs. Plffs in Error
The Police Jury of the Parish of Concordia.

This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. Thomas J. Semmes and Mr. Robert Mott, of counsel for the plaintiffs in error, and by Mr. J. R. Beckwith and Mr. George S. Sawyer, for the defendant in error.

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150. The U. S. Ex rel: Morris Ranger vs. Plff in Error
The City of New Orleans

Ordered that this cause be passed until No. 157 is reached.

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152. George W. Joy vs. Appellant
Elizabeth Daly.

This cause was argued by Mr. J. S. Edwards, of counsel for the appellant, and by Mr. T. T. Crittenden, for the appellee.

Proclamation being made the Court is adjourned until Monday next at twelve o'clock.

Monday, January 27th 1879.

Pursuant to adjournment the Court met to day at the Capitol.

Present.

The Honorable Morrison R. Waite, Chief Justice

Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan
} Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Kesley Middleton, Clerk.

Proclamation being made the Courts opened

On motion first made to the Court in this behalf by Mr. W. A. Maury it is ordered that Randolph Coyle, Esquire, of Washington City, District of Columbia, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

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736. The Union Pacific R.R.Co. vs. The United States. Appellant | Appeal from the Court of Claims

This cause came on to be heard on the transcript of the record from the Court of Claims and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Court of Claims in this cause be, and the same is hereby, reversed. And that this cause be, and the same is hereby, remanded to the said Court of Claims with instructions to enter a decree in accordance with the opinion of this Court.

per Mr. Justice Bradley

Dissenting:
Mr. Justice Strong
" " Harlan.

103.	The United States vs. The Central Pacific Railroad Company.	In Error to the Circuit Court of the United States for the District of California.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of California, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be, and the same is hereby, reversed. And that this cause be, and the same is hereby, remanded to the said Circuit Court with directions to award a new trial.

Per Mr. Justice Bradley

Dissenting:
Mr. Justice Strong
" " Harlan.

418.	The United States of America vs. The Kansas Pacific Railway Company.	In Error to the Circuit Court of the United States for the District of Kansas.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Kansas, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be, and the same is hereby, reversed. And that this cause be, and the same is hereby, remanded to the said Circuit Court with directions to award a new trial.

Per Mr. Justice Bradley

Dissenting:

Mr. Justice Strong

781. The United States vs. The Denver Pacific Railway & Telegraph Company. | Appeal from the Court of Claims

This cause came on to be heard on the transcript of the record from the Court of Claims, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Court of Claims in this cause be, and the same is hereby, affirmed.

Per Mr. Justice Bradley.

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590. The United States vs. The Sioux City & Pacific Railroad Co. | In Error to the Circuit Court of the United States for the District of Iowa.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Iowa, and was argued by counsel.

On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be, and the same is hereby, affirmed.

Per Mr. Justice Bradley

Dissenting:
Mr. Justice Strong.

	The Atlantic & Gulf Railroad Company	In Error to the Supreme Court of the State of Georgia.
103.	vs.	
	The State of Georgia.	

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Georgia, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Strong

772.	The Atlantic & Gulf Railroad Company vs. The State of Georgia.	In Error to the Supreme Court of the State of Georgia.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Georgia, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Strong.

107.	Frederick W. Biebinger Assignee of Yaeger & Co. vs. The Continental Bank of St. Louis. Appellant	Appeal from the Circuit Court of the United States for the Eastern District of Missouri.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District

of Missouri, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court, in this cause, be, and the same is hereby, reversed with costs. And that this cause be, and the same is hereby, remanded to the said Circuit Court with directions to dismiss the bill.

Per Mr. Justice Miller.

Frank H. Case, Receiver of the Crescent City National Bank.	Appeal from the Circuit Court of the United States for the District of Louisiana.
804 vs. Appellant.	
Alfred Marchand et al,	

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Louisiana, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court in

this cause be, and the same is hereby, affirmed with costs and interest, until paid, at the same rate per annum that similar decrees bear in the Courts of the State of Louisiana.

Per Mr. Justice Miller

The Union National Bank of St. Louis, Thomas K. Skinker, Geo. J. Davis, Assignee of Celsus Price and William M. Ladd, composing the firm of Sterling Price & Co. vs. Elizabeth A. Matthews	In Error to the Supreme Court of the State of Missouri.

128. Plaintiffs in Error.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Missouri, and was argued by counsel. On consideration whereof, It is now here ordered adjudged, and decreed by this Court that the decree of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs. And that

this cause be, and the same is hereby, remanded to the said Supreme Court with instructions to dismiss the bill.

per Mr. Justice Swayne.

Dissenting:
Mr. Justice Miller.

	Matthias Fortune	Appeal from the
106	vs. Appellant	Circuit Court
	John Phillips and	of the United States
	Wellington Phillips.	for the Northern
		District of Illinois.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Northern District of Illinois, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court, in this cause, be, and the same is hereby, affirmed with costs.

per Mr. Justice Swayne.

687 The United States v. Plaintiff, Jeremiah Hall. | On a certificate of division in opinion between the Judges of the Circuit Court of the United States for the Southern District of Ohio.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of Ohio and on the points or questions on which the Judges of the said Circuit Court were opposed in opinion and which were certified to this Court for its opinion, agreeably to the act of Congress in such case made and provided, and was argued by counsel. On Consideration whereof, It is the opinion of this Court that the first question certified be answered in the affirmative, the second and third in the negative. Whereupon it is now here ordered and adjudged by this Court that it be so certified to the said Circuit Court.

Per Mr. Justice Clifford.

The United States 566 v. Riffin Error Adam Hab	In Error to the Circuit Court of the United States for the District of Iowa.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Iowa, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court, in this cause, be, and the same is hereby, affirmed.

Per Mr. Justice Clifford.

The Chicago & Northwestern Railway Company 145 v. Riffin Error Seymour J. McKinley	In Error to the Supreme Court of the State of Iowa.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Iowa, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged

by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

per Mr. Chief Justice Waite

Wm. B. Elliot, Collector of Internal Revenue. vs. The East Pennsylvania Railroad Company.

In Error to the Circuit Court of the United States for the Eastern District of Pennsylvania.

7 25

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Pennsylvania, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be, and the same is hereby, affirmed with costs and interest, until paid, at the same rate per annum that similar judgments bear in the Courts of the State of Pennsylvania.

per Mr. Chief Justice Waite.

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135. The Guardian Mutual Life Insurance Company vs. Riffin in Error Rosetta Eisner

In Error to the Circuit Court of the United States for the Eastern District of Missouri.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Missouri, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be, and the same is hereby, affirmed with costs and five hundred dollars damages in addition to interest from the date of the judgment below, until paid, at the same rate per annum that similar judgments bear in the Courts of the State of Missouri.

Per Mr. Chief Justice Waite.

	The Sioux City & St. Paul Railroad Company,	In Error to the
142	vs.	Supreme Court
	William B. Treadway	of the State of Iowa.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Iowa, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

per Mr. Chief Justice Waite

	George W. Joy	Appeal from the Su-
152	vs. Appellant	preme Court of the
	Elizabeth Daly	District of Columbia.

This cause came on to be heard on the transcript of the record from the Supreme Court of the District of Columbia, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court

that the decree of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Waite.

The Central Pacific Railroad Co. et al. vs. Albert Gallatin. Appellants

472

On consideration of the motion filed in this cause by the Attorney General, to dismiss, It is ordered that said motion be, and the same is hereby, denied.

It is further ordered that leave be granted the Attorney General to appear in the cause in behalf of the United States; and that the cause be assigned for oral argument on the sixth day of March next. In the meantime the Attorney General will be permitted to make such motions in the cause as he may consider necessary to fully protect the interests of the United States on the hearing.

Per Mr. Chief Justice Waite.

The Chief Justice announced that the Court would take a recess from Monday next until the first Monday in March.

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250. The Cleveland Ins. Co. vs. Kiff in Error / The Globe Ins. Co.

The motion to dismiss this cause was submitted to the consideration of the Court on printed arguments by Mr. J. D. Cox and Mr. Jno. F. Follett in support of the same, and by Mr. H. L. Ferrell and Mr. S. Burke, in opposition thereto.

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156. E. Parsons et al vs. Appellants / Henry R. Jackson et al.

Mr. P. Phillips, in behalf of J. S. Black, filed motion to dismiss this appeal.

525- Henry R. Jackson et al. vs. Appellants
The Vicksburg, Shreveport, & Texas R.R. Co. et al
And
526- The Vicksburg, Shreveport & Texas R.R. Co. et al vs. Appellants
Henry R. Jackson et al.

Mr. P. Phillips, in behalf of Mr. J. S. Black, suggested a diminution of the record in these cases and moved the Court that they be continued until a perfect record can be brought up.

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110. Jane Quinn, Admx &c. vs. Appellant
The United States.

On motion of Mr. S. Shellabarger leave is hereby granted the Clerk to issue the Mandate in this cause.

789- The United States vs. Appellant
Joseph S. Farden

On motion of Mr. I. G. Kimball it is ordered that leave be granted the Clerk to issue the Mandate in this cause.

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983 Michael Ryan vs. Appellant
The Central Pacific Railroad Company.

The argument of this cause on points specified by the Court was commenced by Mr. Attorney General Devens in behalf of the United States, Intervenors.

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Tuesday, January 28, 1879.

Pursuant to adjournment the Court met to day at the Capitol.

Present

The Honorable Morrison R. Waite, Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan
Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened

On motion first made to the Court in this behalf by Mr. C. A. Seward it is ordered that Edward M. Shepard, Esquire, of New York City, and Edward Bissell, Esquire, of Toledo, State of Ohio, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

983	Michael Ryan vs. Central Pacific Railroad Co. Appellant	The argument of this cause was continued by Mr. S. H. Sanderson, of counsel for the appellee, and concluded by Mr. Asst Atty Genl Smith for the United States.

153	The Southern Express Company vs. The Western North Carolina R. R. Co. Appellant	This cause was argued by Mr. C. A. Seward, of counsel for the appellant, and by Mr. A. S. Merriman, of counsel for the appellee.

154	The North St. Louis Savings Institution vs. J. F. Brockschmidt et al. Plff in Error	This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. J. O. Broadhead and Mr. A. N. Slayback, of counsel for the plaintiff in error. No counsel appearing for the defendants in error.

Oscar H. Burbridge & John P. Jackson vs. The United States of America.	In Error to the Circuit Court of the United States for the District of Kentucky.

155.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Kentucky, and the plaintiffs in error having been three times solemnly called by the Marshal to come into Court and prosecute their writ of error and failing to appear, It is therefore, in pursuance of the 16th rule of this Court, and on the motion of Mr. Assistant Attorney General Smith, of counsel for the defendant in error, now here ordered and adjudged by this Court that this cause be and the same is hereby, dismissed; And that this cause be, and the same is hereby, remanded to the said Circuit Court to be proceeded in according to law and justice.

Per Mr. Chief Justice Waite

C. Parsons et al
156 vs. Appellants
Henry R. Jackson et al.

Henry R. Jackson et al.
525 vs. Appellants
The Vicksburg, Shreveport & Texas R.R. Co. et al.
and
The Vicksburg, Shreveport & Texas R.R. Co. et al.
526 vs. Appellants
Henry R. Jackson et al.

Ordered that these cases be postponed until after the argument of cases 150, 157, 188 and 189.

150. The U.S. Exrel: Morris Ranger vs. Plff in Error
The City of New Orleans,

157. The U.S. Exrel: Chas. Parsons vs. Plff in Error
C.J. Leeds, Mayor &c.

188. The U.S. Exrel: H. S. Peterkin vs. Plff in Error
The Mayor of New Orleans.

and

189. The U.S. Exrel: Jas. Nadick vs. Plff in Error
The Mayor of New Orleans.

The argument of these cases was commenced by Mr. H. B. Hornblower, of counsel, for the plaintiff in error in No. 157.

Proclamation being made the Court is adjourned until to morrow at twelve o'clock.

Wednesday, January 24, 1879.

Pursuant to adjournment the Court met to day at the Capitol.

Present

The Honorable Morrison R. Waite, Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan
} Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. S. Shellabarger it is ordered that Theodore Sutro, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court, and he was sworn accordingly.

The following substitute for Rule V of the Regulations under which appeals may

be taken from the Court of Claims was adopted.

In every such case such party at such time before trial and in such form as the Court may prescribe, shall submit to it a request to find all the facts which the party considers proven, and deems material to the due presentation of the case in the finding of facts.

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712. The County Court of Knox County vs. Plff in Error / The U.S. Ex rel: George W. Harshman. | Motion to Vacate. Supersedeas

It appearing that the plaintiff in error has failed to comply with the order of this Court entered on the 2d day of December, 1878, requiring the said plaintiff in error to file a new bond in the penal sum of $20,000 on or before the first Monday in January 1879.- It is thereupon, on motion of Mr. W. A. McKenney, of counsel

for the defendant in error, ordered that said order of December 2d be made absolute, and that the supersedeas in this cause be, and the same is hereby, vacated and set aside.

Per Mr. Chief Justice Waite

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150. The U.S. Ex rel: Morris Ranger vs. Pltff in Error
The City of New Orleans

157. The U.S. Ex rel: Chas. Parsons vs. Pltff in Error
C. S. Leeds, Mayor &c.

188. The U.S. Ex rel: W. S. Perkin vs. Pltff in Error
The Mayor &c of New Orleans
And
189. The U.S. Ex rel: Jas. Nadick vs. Pltff in Error
The Mayor &c of New Orleans

The argument of these cases was continued by Mr. D. C. Labatt, of counsel for the plaintiff in error in No. 150, by Mr. H. C. Miller, for the defendant in error in each case, and concluded by Mr. D. K. Chamberlain, for the plaintiff in error in No. 157, and submitted on printed arguments by Mr. T. J. Semmes

and Mr. Robert Mott, of counsel for the plaintiffs in error in Nos. 188 and 189.

E. Parsons et al
156 vs. Appellants
H. K. Jackson et al,

H. K. Jackson et al
525. vs. Appellants
The U. S. & Texas R. R. Co.
And
The U. S. & Texas R. R. Co.
526. vs. Appellants
Henry K. Jackson et al.

Ordered by the Court that these cases be assigned for argument on the fifth of March.

Arthur Pickering et al
1067 vs. Appellants
Michael McCullough Jr. et al.

On motion of Mr. Bakewell leave is hereby granted him to withdraw the briefs filed in this cause for correction.

Pablo Salas, Pierre Soulé, Joseph A. Seignouret et al. v. The City of New Orleans, Felix Labatut, Pierre Butler et al.	Appeal from the Circuit Court of the United States for the District of Louisiana

158.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Louisiana, and on the stipulation of counsel on file. It is now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed with costs.

per Mr. Chief Justice Waite

Charles Morgan v. The New Orleans, Mobile & Texas Railroad Company.	Mr. J. A. Campbell suggested the death of Charles Morgan, the appellant in this cause, and on his motion it is ordered

159.

that the cause be continued until the

next term

160. John L. Sterry vs. Plff in Error
N. W. Casey, Receiver

This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. H. T. Ogden, of Counsel for the plaintiff in error, and by Mr. J. D. Rouse and Mr. Wm. Grant, of Counsel for the defendant in error.

161. Francis J. King et al vs. Plff in Error
The United States

The argument of this cause was commenced by Mr. Edward Bissell, of Counsel for the plaintiffs in error.

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Thursday, January 30, 1879.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Morrison R. Waite, Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan.
} Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. D. A. Lambert it is ordered that Charles E. Fraser, Esquire, of Washington City, District of Columbia, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

Thursday January 30, 1879. Continued.

The Chicago & Northwestern Railway Company. vs. Iliff in Error	On motion of Mr. R. B. Henderson it is ordered that leave be granted the Clerk to issue
145 Seymour J. McKinley.	

the Mandate in this cause.

Amelia M. Fice, Admx &c. et al. vs. Appellants	This cause was submitted to the consideration
1034 The United States	of the Court on the record and

printed arguments by Mr. J. H. Douglass, of counsel for the appellants, with leave to counsel for the appellee to file briefs, on or before the 1st Monday in March next.

Francis J. King et al. vs. Iliff in Error	The argument of this cause was continued by Mr. Edward Bissell,
161 The United States	

of counsel for the plaintiffs in error, by Mr. Asst Atty Genl Smith, of counsel for the defendant in error, and concluded by Mr. Bissell, for the plaintiffs in error.

Thursday, January 30, 1879. Continued.

Lewis Hershfield, James H. Shillaber, J. Hamauer, and Julius Sands.	In Error to the Supreme Court of the Territory of Montana.
162 vs. Plffs in Error	
E. Creighton, P. A. Largey, & John A. Creighton, as E. Creighton & Company.	

This cause came on to be heard on the transcript of the record from the Supreme Court of the Territory of Montana, and the plaintiffs in error having been three times solemnly called by the Marshal to come into Court and prosecute their writ of error, and failing to appear, It is thereupon, in pursuance of the 16th Rule of this Court, and on the motion of Mr. Nathaniel Wilson, of counsel for the defendants in error, now here ordered and adjudged by this Court that this cause be, and the same is hereby, dismissed with costs, And that this cause be, and the same is hereby, remanded to the said Supreme Court to be proceeded in according to law and justice.

Per Mr. Chief Justice Waite

163.	The United States vs. George A. Sheridan	In Error

This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. Asst Attorney General Smith, of counsel for the plaintiff in error, and by Mr. Samuel Shellabarger and Mr. J. M. Wilson, for the defendant in error.

165	The Alliance Mutual Life Assurance Society vs. Lizzie B. Scobee	In Error

Ordered by the Court that this cause be, and the same is hereby, continued until the next term.

166.	David L. Hulett vs. Francis Vose	In Error

This cause was argued by Mr. E. A. Dickerson and Mr. Wm. M. Merrick, of counsel for the plaintiff in error, and by Mr. P. Phillips, for the defendant in error.

Thursday January 30, 1879 continued.

167 Frank F. Case, Recr &c. vs. G. T. Beauregard Sctal. Appellant,

The argument of this cause was commenced by Mr. J. D. Rouse, of counsel for the appellant.

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock

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Friday, January 31, 1879.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Morrison R. Waite, Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan
} Associate Justices

John G. Nicolay, Esquire, Marshal
David Wesley Middleton, Clerk.

Proclamation being made the Court is opened,

On motion first made to the Court in this behalf by Mr. J. Nevill Steele it is ordered that Stewart J. Brown, Esquire, of Baltimore, State of Maryland, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

The Guardian Mutual Life Insurance Company.
135 vs. Pl'ff in Error
Rosetta Eisner

On motion of Mr. Fillmore Deall leave is hereby granted the Clerk to issue the Mandate in this cause.

The United States
129. vs. Pl'ff in Error
Burton M. Ford et al.
130. Same vs. Same
131. Same vs. Same
132. Same vs. Same
133. Same vs. Roelle et al
134. Same vs. Same
135. Same vs. Merserau
et al
136. Same vs. Roelle et al Mot

Mr. Asst. Atty. General Smith filed and submitted to the consideration of the Court motion to advance these cases. Whereupon this Court not being now here sufficiently advised of and concerning what order to render in the premises took time to consider.

Frank P. Case, Rec'r &c.
167 vs. Appellant
G. T. Beauregard et al.

The argument of this cause was continued by Mr. J. A. Campbell, of

counsel for the appellees, by Mr. Asst. Atty. General Smith in behalf of the United States, by Mr. H. C. Miller, also of counsel for the appellees, and concluded by Mr. Case, of counsel for the appellant.

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168. Edward Harris et al vs. Rapp in Error / John McGovern et al. | This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. D. H. Doolittle, of counsel for the plaintiff in error, and by Mr. S. M. Wilson, for the defendants in error.

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169. Edward N. Dunbar & Thomas J. Semmes vs. Rapp in Error | This cause was argued by Mr. E. J. Durant, of counsel for the plaintiff in error, and submitted on printed arguments by Mr. Thomas J. Semmes in his own behalf.

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636 In. The Richmond Mining Co. vs. Appellant, The Eureka Consolidated Mining Company.

On motion of Mr. P. Phillips, it is ordered that the motion for a supersedeas in this cause be assigned for the first Monday in March next.

Proclamation being made the Court is adjourned until Monday next at twelve o'clock.

Monday, February 5, 1879.

Pursuant to adjournment the Court met to-day at the Capitol.

Present.

The Honorable Morrison R. Waite, Chief Justice
Nathan Clifford
Noah H. Swayne
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan
Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Attorney General Devens it is ordered that James F. Briggs, Esquire, of Manchester, and Henry H. Hall, Esquire, of Plymouth, State of New Hampshire, Daniel Roberts, Esquire, of Burlington, State of Vermont, and Godfrey Morse, Esquire, of Boston, State of Massachusetts, be admitted to practise as attorneys and counsellors of this Court and they

were sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. M. Wilson it is ordered that Charles P. Jacobs, Esquire, of Indianapolis, State of Indiana, and Lorenzo Dunford, Esquire, of St. Clairsville, State of Ohio, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

123.	The United States vs. Oakes A. Ames and Oliver Ames 2d, Executors of Oakes Ames, deceased, and Peter Butler.	Appeal from the Circuit Court of the United States for the District of Massachusetts.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Massachusetts, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged and decreed by this Court that the decree of the said Circuit Court in this

cause be and the same is hereby affirmed.

per Mr. Justice Clifford.

Dissenting:
Mr. Justice Swayne

E. E. Patterson 117 vs. Riffin Error The Commonwealth of Kentucky.	In Error to the Court of Appeals of the State of Kentucky.

This cause came on to be heard on the transcript of the record from the Court of Appeals of the State of Kentucky, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Court of Appeals in this cause be, and the same is hereby, affirmed with costs.

per Mr. Justice Harlan

The Village of Evanston 164 vs. Riffin Error Jessie Gunn.	In Error to the Circuit Court of the United States for the Northern

District of Illinois.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Northern District of Illinois, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be, and the same is hereby, affirmed with costs and interest, until paid, at the same rate per annum that similar judgments bear in the Courts of the State of Illinois.

Per Mr. Justice Strong.

Thomas R. Mills, junior, Admr. &c., of the estate of George Hall, deceased.

vs.

Levi H. D. Scott.

In Error to the Circuit Court of the United States for the Southern District of Georgia.

119.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of Georgia, and was argued by counsel. On consideration whereof, It is now here

ordered and adjudged by this Court that this cause be, and the same is hereby, remanded to the said Circuit Court with directions to award a new trial, unless the plaintiff shall within a reasonable time to be designated by said Circuit Court file in said Court a remittitur of the excess over forty thousand dollars, and upon filing said remittitur the said judgment will remain in force for the said sum of forty thousand dollars. Costs in this Court to be paid by the defendant in error.

Per Mr. Justice Field.

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134. Solomon L. Hoge, Comptroller General of the State of South Carolina. Appellant
vs.
The Richmond & Danville Railroad Co.

Appeal from the Circuit Court of the United States for the District of South Carolina.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of

South Carolina, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court with directions to dismiss the bill.

Per Mr. Justice Field.

126. The United States vs. Louis Benecke

On a certificate of division in opinion between the Judges of the Circuit Court of the United States for the Western District of Missouri.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Western District of Missouri, and on the points or questions on which the Judges of the said Circuit Court were opposed in opinion and which were certified to this Court for its opinion agreeably to the act of Congress in such case made and

provided, and was argued by counsel, —
On consideration whereof, It is the opinion of this Court that the first and fifth questions be answered in the negative. No answers being deemed necessary to the other questions.

Whereupon it is now here ordered and adjudged by this Court that it be so certified to the said Circuit Court.

Per Mr Justice Miller

The United States v. Plaintiffs Clark Irvine	On a certificate of division in opinion between the Judges of the Circuit Court of the

127. United States for the Western District of Missouri

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Western District of Missouri, and on the points or questions on which the Judges of the said Circuit Court were opposed in opinion and which were certified to this Court for its opinion agreeably to the act of Congress in such case made and provided, and was argued by counsel. On consideration whereof, It is the opinion of

this Court that the second question be answered in the negative and the third in the affirmative. No answers being deemed necessary to the other questions.

Whereupon it is now here ordered and adjudged by this Court that it be so certified to the said Circuit Court.

Per Mr. Justice Miller.

John Foster, Michael Kasworsky, Narcisso Guinocchia, Salvador Mendez, Pedro Serdugo, John White, Richard Black et al.	In Error to the Circuit Court of the United States for the District of California.
1160. vs. Plffs in Error	
Francis Mora.	

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of California, and was argued by counsel.

On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court

in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Miller

83.	Michael Ryan vs. The Central Pacific Railroad Company	Appeal from the Circuit Court of the United States for the District of California.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of California, and was argued by Counsel. On consideration whereof, It is now here ordered, adjudged and decreed by this Court that the decree of the said Circuit Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Strong

124.	Aristides Doggett, Rec'r &c. vs. The Florida Railroad Company.	Appeal from the Circuit Court of the United States for the Northern District of Florida.

This cause came on to be heard on the tran-

script of the record from the Circuit Court of the United States for the Northern District of Florida, and was argued by Counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Swayne.

The United States	In Error to the
764. vs. Riffin Error	Circuit Court
Clark W. Thompson,	of the United
Morton S. Wilkinson,	States for the
Henry M. Rice and	District of
George L. Becker.	Minnesota.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Minnesota, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be, and the same is

hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court for further proceedings to be had therein in conformity with the opinion of this Court.

Per Mr. Justice Swayne

669. The Union Pacific Railroad Company, vs. Rifle in Error
The Board of County Commissioners of the County of Dodge.

In Error to the Circuit Court of the United States for the District of Nebraska.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Nebraska, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Waite

William G. Ferris for himself & as Administrator of William Ferris, deceased. & Henry A. S. Browne.	Appeal from the Circuit Court of the United States for the Eastern District of Pennsylvania.
93. vs. Appellants	
Ernest Heraeus.	

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Pennsylvania, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged and decreed by this Court that the decree of the said Circuit Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Waite

John G. Williams, Admr &c. of Charles Taylor, deceased.	Appeal from the Court of Claims.
1058. vs. Appellant	
The United States	

This cause came on to be heard on the transcript of the record from the Court of

Claims, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause be, and the same is hereby, affirmed.

Per Mr. Chief Justice Waite.

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160. John L. Sterry vs. Nicholas H. Cosby, Receiver of The New Orleans National Banking Association. | In Error to the Circuit Court of the United States for the District of Louisiana.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Louisiana, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be, and the same is hereby, affirmed with costs and interest, until paid, at the same rate per annum that similar judgments bear in the Courts of the State of Louisiana.

163.	The United States vs. George A. Sheridan	In Error to the Circuit Court of the United States for the District of Louisiana.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Louisiana, and was argued by counsel. On consideration whereof, the Court being equally divided in opinion, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court, in this cause, be, and the same is hereby, affirmed.

1067.	Arthur Pickering et al vs. Appellants Michael McCullough Jr. et al	As this case involves the consideration of complicated

questions of fact not easily understood without an explanation of a large number of models which are in evidence, we are unwilling to decide it without an oral argument. For that reason the submission under the 20th rule is set aside and the cause set down for oral argument when

it is reached in its order on the docket.

Per Mr. Chief Justice Waite.

	The United States	On consideration of
929.	vs. In Error	the motion to advance
	Burton McFord et al.	these causes, It is
930.	Same vs. Same	now here ordered
931.	Same vs. Same	by the Court that
932.	Same vs. Same	said motion be,
933	Same vs. Roelle et al.	and the same is
934.	Same vs. Same	hereby granted,
935.	Same vs. Merserau	and that the causes
	And	be assigned for
975	Same vs. Roelle et al. Appts.	argument on the
		5th day of March

as one case.

Order

Ordered that in all causes decided prior to the first day of January, where no petition for rehearing is pending, the Mandate may issue after this date when applied for.

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736. The Union Pacific Railroad Co. vs. The United States. Appellant

On motion of Mr. J. M. Wilson ordered that leave be granted the Clerk to issue the Mandate in this cause.

154. The North St. Louis Savings Institution vs. J. F. Brockschmidt & al. Plff in Error

On motion of Mr. J. M. Wilson, in behalf of Mr. A. H. Laybach, it is ordered that the plaintiff in error have leave to file a new brief in place of the one already on file in this cause.

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636. The Richmond Mining Co. vs. The Eureka Consolidated Mining Co. Appellant

On motion of Mr. P. Phillips, It is ordered that the motion for Supersedeas in this cause be re-assigned for the first Monday in April next.

Proclamation being made the Court is adjourned until Monday, the third day of March next.

Monday March 3. 1879

Pursuant to adjournment the Court met today at the Capitol.

Present

The Honorable Morrison R. Waite, Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan
} Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. J. M. Wilson it is ordered that J. Hale Sypher, Esquire, of New Orleans, State of Louisiana, and Leverett Bell, Esquire, of St Louis, State of Missouri, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. N. Douglass it is ordered that J. Adriance Bush, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. J. Parker it is ordered that Edward C. James, Esquire, of Ogdensburg, and John Lansing and Levi H. Brown, Esquires, of Watertown, State of New York, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. R. N. Baskin, it is ordered that Joseph L. Rawlins, Esquire, of Salt Lake City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. G. Riddle it is ordered

that Belva A. Lockwood, of Washington City, District of Columbia, be admitted to practice as an attorney and counsellor of this Court and she was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Attorney General Devens it is ordered that Isaiah Pillars, Esquire, of Lima, State of Ohio, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. P. Phillips it is ordered that Frank J. Bowman, Esquire, of St. Louis, State of Missouri, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George H. Williams it is ordered that Harvey Jewett, Esquire, of Columbia, State of South Carolina, be admitted to practice as an attorney and counsellor of this Court

and he was sworn accordingly.

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96. Jesse D. Carr vs. The United States | Appeal from the Circuit Court of the United States for the District of California.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of California, and was argued by Counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court, in this cause, be, and the same is hereby, affirmed.

Per Mr. Justice Bradley.

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516. DeWitt C. Farrell, Andrew H. Pinkney & John D. Smith vs. The United States. | In Error to the Circuit Court of the United States for the Northern District of Illinois.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Northern District of Illinois and was argued by counsel.

On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court, in this cause, be, and the same is hereby, affirmed with interest, until paid, at the same rate per annum that similar judgments bear in the Courts of the State of Illinois.

Per Mr. Justice Strong.

The Northern Transportation Company of Ohio. Plff in Error
vs.
The City of Chicago.

In Error to the Circuit Court of the United States for the Northern District of Illinois.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Northern District of Illinois, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court, in this cause, be, and the same is hereby, affirmed with costs.

	Thomas Keely	
108.	vs.	In Error to the
	Pleffin Error	Supreme Court
	Xenophon B. Sanders,	of the State of
	Calvin L. Story, and	Tennessee.
	Eliza Margaret Story.	

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Tennessee, and was argued by Counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Supreme Court, in this cause, be, and the same is hereby, reversed, with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court, with instructions to enter a decree dismissing the bill.

Per Mr. Justice Strong

Dissenting;

Mr. Justice Field.

	Patrick Sherry and Dennis Sexton	
116.	vs. Plffs in Error	In Error to the Supreme Court of the State of Tennessee.
	Andrew McKinley and Luther T. Thurston Executors of John McKinley, decd. Ashley McKinley et al.	

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Tennessee, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged and decreed by this Court that the decree of the said Supreme Court in this cause be, and the same is hereby, reversed with costs; And that this cause be, and the same is hereby, remanded to the said Supreme Court with instructions to enter a decree dismissing the bill.

Per Mr. Justice Strong.

Dissenting:
Mr. Justice Field.

	The Mississippi & Rum River Boom Co.	In Error to the Circuit Court of the
113.	vs.	United States for the
	William C. Patterson, Jr.	District of Minnesota.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Minnesota, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court, in this cause, be, and the same is hereby, affirmed with costs and interest, until paid, at the same rate per annum that similar judgments bear in the Courts of the State of Illinnesota.

Per Mr. Justice Field.

	The United States	Appeal from the
116.	vs. Appellant	Circuit Court of
	The Burlington and	the United States
	Missouri River Railroad	for the District of
	Co. in Nebraska.	Nebraska.

This cause came on to be heard on the tran-

script of the record from the Circuit Court of the United States for the District of Nebraska, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court in this cause, be, and the same is hereby, affirmed.

Per Mr. Justice Field.

Pryor N. Coleman	In Error to the
344 vs.	Supreme Court of the
Pfff in Error	State of Tennessee.
The State of Tennessee.	

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Tennessee, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause, be, and the same is hereby, reversed with costs; And that this cause be, and the same is hereby, remanded to the said Supreme Court with directions to discharge the defendant from custody

by the Sheriff of Knox County on the indictment and conviction for murder in the State Court, pursuant to the opinion of the Court.

Per Mr. Justice Field.

Dissenting:
Mr. Justice Clifford.

David Barnet & Isaac E. Craig, Assignees of Barnet & Whiteside vs. The Muncie National Bank of Muncie, Indiana.	In Error to the Circuit Court of the United States for the Southern District of Ohio.

856. Pltffs in Error

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of Ohio, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court, in this cause, be, and the same is hereby, affirmed with costs and interest, until paid, at the same rate per annum

that similar judgments been in the Courts of the State of Ohio.

Per Mr. Justice Swayne

	Mary G. Hussey	Appeal from the Su-
131	vs. Appellant	preme Court of the Terri
	Job Smith	tory of Utah.

This cause came on to be heard on the transcript of the record from the Supreme Court of the Territory of Utah, and was argued by Counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs; And that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings to be had therein in conformity with the opinion of this Court

Per Mr. Justice Swayne

Joseph G. Hussey and
Mary G. Hussey.
132 vs. Appellants
Job Smith, Samuel A.
Merritt and J. B. Rosborough.

Appeal from the
Supreme Court
of the Territory
of Utah.

This cause came on to be heard on the transcript of the record from the Supreme Court of the Territory of Utah, and was argued by counsel On consideration whereof. It is now here ordered, adjudged and decreed by this Court that the decree of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs; And that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings to be had therein in conformity with the opinion of this Court.

Per Mr. Justice Swayne.

153. The Southern Express Company vs. The Western North Carolina R.R.Co., W.W. Rollins et al, Commissioners in possession of the Road

Appeal from the Circuit Court of the United States for the Western District of North Carolina.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Western District of North Carolina, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court in this cause, be, and the same is hereby, affirmed with costs. Per Mr. Justice Swayne

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147. Nathan Myrick and Rebecca Myrick vs. Plff in Error Benjamin Thompson.

In Error to the Supreme Court of the State of Minnesota.

This cause came on to be heard on the

transcript of the record from the Supreme Court of the State of Minnesota, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

per Mr. Justice Clifford.

	Edward Harris, Isaac N. Shimmer, and Letitia Shimmer.	In Error to the Circuit Court of the United States for the District of California.
168.	vs. Pltffs in Error	
	John McGovern, Francis K. Baby & Chas. E. McLane.	

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of California, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court, in this cause, be, and the same is hereby, affirmed with costs.

per Mr. Justice Clifford.

169.	Edward N. Burbank. vs. Thomas J. Semmes.	In Error to the Supreme Court of the State of Louisiana.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Louisiana, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause, be, and the same is hereby, affirmed with costs.

per Mr. Justice Clifford.

227.	The United States vs. Walter Pugh.	Appeal from the Court of Claims

This cause came on to be heard on the transcript of the record from the Court of Claims, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Court of Claims, in this cause, be, and the same is hereby,

affirmed.

Per Mr. Chief Justice Waite.

The United States Ex rel: Alfred Huidekoper vs. The County Court of Macon County.	In Error to the Circuit Court of the United States for the Western District of Missouri.
98	

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Western District of Missouri, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause, be, and the same is hereby affirmed with costs.

Per Mr. Chief Justice Waite.

The County Court of Macon County vs. Alfred Huidekoper	In Error to the Circuit Court of the United States for the Western District of Missouri.
858.	

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Western District of Missouri, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Waite

M. Wolf, Elias Lowenstein, and Leon Helman.		Appeal from the Circuit Court of the United States for the Western District of Tennessee.
810.	v. Appellants	
Lewis Stix, J. L. Swartz, N. Stix, & Henry Kuppen, as Louis Stix & Co.		

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Western District of Tennessee, and was argued by Counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that this cause be, and the

same is hereby, remanded to the said Circuit Court with direction to modify the decree, in such manner as to give to M. Wolf the benefit of his discharge in bankruptcy; in all other respects the decree is affirmed. Costs in this Court to be paid by the appellees.

per Mr. Chief Justice Waite.

William C. Wilson		In Error to the Circuit
101.	vs. Pltff in Error	Court of the United
Salamanca Township,		States for the District
Cherokee County.		of Kansas.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Kansas, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court, in this cause, be, and the same is hereby, reversed with costs; And that this cause be, and the same is hereby, remanded to the said Circuit Court for further pro-

ceedings to be had therein in conformity with the opinion of this Court.

per Mr Chief Justice Waite

The Board of County Commissioners of the County of Leavenworth.
vs. Plff in Error
Ralph Sellew.

In Error to the Circuit Court of the United States for the District of Kansas.

743.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Kansas, and was argued by counsel On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause, be, and the same is hereby, affirmed with costs; And that this cause be, and the same is hereby, remanded to the said Circuit Court with authority if necessary to so modify the order which has been entered in respect to the time for the levy and collection of the tax, as to make the writ effective for the end to be accomplished.

per Mr Chief Justice Waite

The City of Leavenworth vs. J. A. Kinney	In Error to the Circuit Court of the United States for the District of Kansas.

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This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Kansas, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court, in this cause, be, and the same is hereby, affirmed with costs; And that this cause be, and the same is hereby, remanded to the said Circuit Court with authority, if necessary to so modify the order which has been entered in respect to the time for the levy and collection of the tax as to make the writ effective for the end to be accomplished.

Per Mr. Chief Justice Waite

The Cleveland Insurance Company.
250. vs. Plff in Error
The Globe Insurance Co

In Error to the Circuit Court of the United States for the Northern District of Ohio.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Northern District of Ohio, and was argued by counsel.
On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed for the want of jurisdiction.

per Mr. Chief Justice Waite

Defending;
Mr. Justice Clifford
" " Swayne.

William H. Platt
885. vs. Appellant
The Union Pacific R.R. Co.

On motion of Mr. J. M. C. Wilson, in behalf of Mr. J. P. Usher, leave is hereby granted him to file brief in this cause in behalf of The Kansas Pacific R.R. Co.

885 William H. Platt vs. The Union Pacific Railroad Company. Appellant

On motion of Mr. James Lowndes leave is hereby granted him to file brief in this cause.

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885 William H. Platt vs. The Union Pacific Railroad Company. Appellant

Ordered by the Court that the argument of this cause be postponed until the 12th instant.

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103 The Atlantic & Gulf R.R.Co. vs. The State of Georgia. Plaffin Error

And

772 The Atlantic & Gulf R.R.Co. vs. The State of Georgia. Plaffin Error

On motion of Mr. R. H. Ely it is ordered that leave be granted the Clerk to issue the Mandates in these cases.

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846 Wm. Faxon et al vs. Thos. Russell, Collector &c. Plaffin Error

On motion of Mr. M. Blair leave is hereby granted the Clerk to issue the Mandate in this cause.

The U.S. Ex rel: Alexander McLeod 843. vs. Pltff in Error Jno. Sherman, Secretary of the Treasury.	On motion of Mr. H. A. Maury it is ordered that this cause be re assigned for argument on Thursday the 13th inst.

The National Bank of the State of Missouri vs. Pltff in Error The National Bank of Commerce of New York.	Mr. P. Phillips filed and submitted to the consideration of the Court motion to amend the writ of error in this cause, for a new citation in conformity to writ if amended, and for leave to docket the cause.

Hiram Rogers 1037 vs. Appellant Robert Reade And Hiram Rogers 1038. vs. Appellant Robert Reade	The motion filed by Mr. H. Wilson for a Writ of Certiorari, in these cases was called up and postponed until briefs are prepared and filed by the respective counsel.

The Life Association of America vs. Peffin Error Selicia V. Wilson.	Mr. L. Bell filed and submitted to the consideration of the Court motion for an order on the

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plaintiff in error, requiring it to file a new bond in this cause. Whereupon this Court not being now here sufficiently advised of and concerning what order to render in the premises took time to consider.

George E. Ketchum et al. Appellants vs. The County of St. Louis, Intervenor.	Mr. L. Bell, in behalf of the City of St. Louis filed and submitted, to the consideration

396.

of the Court motion to substitute the City of St. Louis for the County of St. Louis, as the appellee in this cause. Whereupon this Court not being now here sufficiently advised of and concerning what order to render in the premises took time to consider.

Chester A. Arthur, Collector &c
509. vs. Appeal from Error
Albert Heinemann et al.

On motion of Mr. A'ty Gen'l Smith leave is hereby granted the Clerk to issue the Mandate in this cause.

Harvey Jerry
755. vs. Appellant
John J. McLure, Receiver of the Bank of Chester et al.

The motion to dismiss this cause was submitted to the consideration of the Court on printed arguments by Mr. E. McCready and Mr. James Lowndes, in support of the same, and by Mr. Harvey Jerry, in opposition thereto.

The Sandusky Seat Co. et al.
900. vs. Appellants
Theodore Comstock et al.

The motion to modify injunction in this cause was submitted to the consideration of the Court on printed arguments by Mr. Leggett, in support of the same, and by Mr. R. Bakewell and Mr. Jno. E.

March, in opposition thereto.

The Union National Bank of St. Louis et al vs. Plffs in Error Elizabeth A. Matthews	Mr. John A. Hunter filed and submitted to the consideration of the Court motion to

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modify the judgment entered in this cause on the 27th day of January last.

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Tuesday, March 11th, 1879.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Morrison R. Waite, Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
Joseph P. Bradley
John M. Harlan
Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Enoch Totten it is ordered that William McFadon, Esquire, of Quincy, State of Illinois, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. P. Phillips it is ordered that S. F. Jonas, Esquire, of New Orleans, Loui-

of Louisiana, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

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136. Susan P. Grigsby, Admx of J. Warren Grigsby, dec'd. vs. C. W. Pursell et al. Appellant

The question of jurisdiction in this cause was submitted to the consideration of the Court on printed arguments by Mr. W. O. Harris, in support of the same, and by Mr. J. W. Stevenson and Mr. George Hoadley, in opposition thereto.

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481 Mason Young et al vs. The South & North Alabama Railroad Co. Appellants

676. And The South & North Alabama Railroad Co. vs. Mason Young et al. Appellant

On motion of Mr. H. A. Herbert it is ordered that the orders of dismissal entered in these cases on the 21st day of February, pursuant to the 28th Rule, be, and the same are hereby confirmed,

and have ishereby granted the Clerk to ifsue the Mandates -

231- Asa May vs. Appellant, Andrew McLean | Mr. S. T. Phillips suggested the death of Asa May, the appellant in this cause, and moved the Court for leave to enter the appearance of Samuel Pases, Executor, and Margaret M. May, Executrix, of said Asa May, deceased, as the appellants in this cause, Whereupon It is ordered that the said Samuel Pases, Executor, and Margaret M. May, Executrix, of the said Asa May, deceased, be, and they are hereby, entered and made the parties appellant in this cause with liberty to prosecute this appeal.

396- George E. Kelchum et al. vs. The County of St. Louis, Intervenor | The motion of the City of St. Louis praying that it might be substituted in place of the said

County of St Louis having been considered by the Court, It is, upon consideration thereof, this 4th day of March, 1879 ordered that said City of St Louis be, and it is hereby, allowed to intervene in the said cause for the purpose of protecting such interest as it may have therein and for the purpose of being heard at the argument of the cause if it shall so elect.

1876. James Hooper vs. Plff in Error
Douglas Robinson et al.

This cause was argued by Mr. Thomas K. Hall, of counsel for the plaintiff in error, and by Mr. Arthur George Brown and Mr. Stewart Brown for the defendants in error.

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The Ohio & Mississippi Railroad Company } vs. } In Error 171. The Merchants National Bank of St. Louis.	This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. D. K. Paul, of counsel for the plaintiff in error, and by Mr. John M. Noble and Mr. John C. Orrick, of counsel for the defendant in error.

Thomas R. Hartell et al } vs. } Appellants 172. Benjamin C. Filghman	The argument of this cause was commenced by Mr. M. D. Connolly, of counsel for the appellants.

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Wednesday, March 5th 1879.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Morrison R. Waite, Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan
Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Asst Attorney General Smith it is ordered that Edward O. Wolcott, Esquire, of Georgetown, State of Colorado, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Hon. Mall A. Carpenter it is

ordered that John F. Ludeling, Esquire, of Monroe, State of Louisiana, and Jas. G. Jenkins, Esquire, of Milwaukee, State of Wisconsin, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Rush Clark it is ordered that George B. Edmonds, Esquire, of Iowa City, State of Iowa, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

Mr. P. Phillips, on whose motion Mr. Frank J. Bowman was admitted as an attorney of this Court on Monday last, now moves the Court to set aside the order of admission and to hold the motion for admission for further consideration, and that the Clerk be directed to give immediate notice of this motion to Mr. Bowman.

1173 Thomas R. Harlell et al vs. Benjamin C. Highman, Appellants

The argument of this cause was continued by Mr. George Harding, of counsel for the appellee, and concluded by Mr. W. A. Rawle, of counsel for the appellants.

1179 The St. Louis, Iron Mountain & Southern Railway Co. vs. John R. Loftin, Plff in Error

This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. W. M. Rose, of counsel for the plaintiff in error, and by Mr. A. H. Garland, for the defendant in error.

1174 Stephen D. Hosmer vs. William T. Wallace, Plff in Error

This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. S. F. Leib, of counsel for the plaintiff in error, and by Mr. George A. Nourse, for the defendant in error.

E. Parsons et al
156 vs. Appellants
Henry R. Jackson et al

Henry R. Jackson et al
525. vs. Appellants
The Vicksburg, Shreveport & Texas R.R. Co. et al
and
The Vicksburg, Shreveport & Texas R.R. Co. et al
526. vs. Appellants
Henry R. Jackson et al.

Ordered that one hour additional time be allowed counsel on each side in the argument of these causes.

E. Parsons et al
156. vs. Appellants
H. R. Jackson et al.

This cause was argued by Mr. A. H. Cowdrey, of counsel for the appellants, and by Mr. J. A. Campbell for the appellees.

(Mr. Justice Swayne did not sit during the argument of this cause.)

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525 A. R. Jackson et al vs. The Vicksburg, Shreveport & Texas R. R. Co. et al, and

526 The Vicksburg, Shreveport & Texas R. R. Co. et al vs. A. R. Jackson et al

Appellants

The argument of these cases was commenced by Mr. A. M. Spofford, of counsel for the appellants in No. 525 and appellees in No. 526.

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock M.

Thursday, March 6, 1879.

Pursuant to adjournment the Court met to-day at the Capitol.

Present.

The Honorable Morrison R. Waite, Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan
Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. W. H. Prescott it is ordered that John C. Brown, Esquire, of Pulaski, State of Tennessee, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

John A. Settle, Frederick W. Chandler, Fred Carleton, and George F. Moore.
1091 vs. Plff's in Error
Margaret Madrigal and Mary Linton.

Mr. J. E. McDonald, of counsel for the defendants in error having filed and read in open Court the following

Certificate, to wit:

"The United States of America ss:
The State of Texas, Western District ss:
In the United States Circuit Court at Austin in said District.

I, Matthew Hopkins, Clerk of the United States Circuit Court for the Western District of the State of Texas, at Austin, do hereby certify that in a certain suit at common law, numbered 1521 in said Court, wherein Margaret Madrigal and Mary Linton were plaintiffs and John A. Settle, Frederick W. Chandler, Fred Carleton, and George F. Moore, were defendants, a final judgment was rendered on the first day of March A.D. 1877, in favor of the plaintiffs and against said defendants; that on the 21st day of March A.D. 1877, the said

defendants filed their petition for a writ of error in said cause to the Supreme Court of the United States; that on the 22d day of March A.D. 1879, said defendants John A. Sellie, Frederick H. Chandler, Fred Carleton, and George F. Moore filed a Bond for a Writ of Error with sureties in the sum of One thousand dollars; and thereupon the execution of said final judgment was suspended and said Writ of Error has operated, as a Supersedeas in said cause.

In testimony whereof I have hereunto attached and set my name and affixed the seal of said Circuit Court at Austin, in the State of Texas on this the eleventh day of February A.D. 1879, and of the Independence of the United States of America the One hundred and third.

(Seal)

M. Hopkins
Clerk U.S. Cir Ct at Austin

And having stated that the plaintiffs in

error had altogether failed to file the record of said cause in this Court or in anyway to prosecute said writ of error, now here moved the Court, in pursuance of the 6th rule of this Court, to have the writ of error in this cause docketed and dismissed. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause to the Circuit Court of the United States for the Western District of Texas be, and the same is hereby, docketed and dismissed with costs; And that this cause be, and the same is hereby, remanded to the said Circuit Court to be proceeded in according to law and justice.

Per Mr. Chief Justice Waite.

1083. The Central Pacific Railroad Company, Appellant, vs. Albert Gallatin. And The Union Pacific R.R. Co. Appellant vs. The United States

Ordered by the Court that these cases be assigned for argument on Wednesday the 12th instant after the causes already assigned for that day.

Thursday, March 6th, 1879. Continued.

885 Wm. H. Hall, Appellant vs. The Union Pacific Railroad Co. | Ordered by the Court, that this cause be re assigned for argument on the 19th instant.

1072 Hobart C. Dugger et al, in Error vs. Willis P. Boone et al | Mr. E. B. Smith, in behalf of Mr. S. F. Phillips, having suggested that the plaintiffs in error were prepared to file the record and have this cause docketed pursuant to the rules of this Court, moved the Court to rescind and annul the order of this Court entered on the 13th day of January last docketing and dismissing this writ of error. On consideration whereof, It is now here ordered by this Court that the order of the 13th of January last docketing and dismissing this writ of error be, and the same is hereby, rescinded and annulled; and that the plaintiffs in error have leave to file their record and docket their cause in conformity to the rules of this Court upon payment of costs.

Per Mr. Chief Justice Waite.

H. K. Jackson et al
525 vs. Appellants
The Vicksburg, Shreveport & Texas Railroad Co.

and

The Vicksburg, Shreveport, & Texas Railroad Co.
526. vs. Appellants
H. K. Jackson et al

The argument of these cases was continued by Mr. Matt H. Carpenter and Mr. Jno. F. Ludeling, of counsel for the appellees in No. 526 and for the appellants in No. 526, by Mr. J. A. Campbell for the appellants in No. 525, and the appellees in No. 526.

(Mr. Justice Swayne was not present during the argument of these cases)

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Friday, March 7, 1879.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Morrison R. Waite, Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan
} Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened.

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525 N. R. Jackson et al. vs. The Vicksburg, Shreveport & Texas R.R. Co. et al. — Appellants

526 And The Vicksburg, Shreveport & Texas R.R. Co. et al. vs. N. R. Jackson et al. — Appellants

The argument of these cases was concluded by Mr. John A. Campbell, of counsel for the appellants in No. 525 and appellees in No. 526. (Mr. Jus. Swayne was not present

Friday, March 7, 1879, continued.

at the argument of these cases.)

	Russell Sage et al	The argument of these
175	vs. Appellants	cases was commenced
	The Central Railroad	by Mr. N. A. Cowdrey
	Co. of Iowa.	of counsel for the
	and	appellants, and
	Russell Sage et al.	continued by Mr.
670.	vs. Appellants	A. B. Turner, Mr.
	The Central Railroad	C. C. Cole, and Mr.
	Co. of Iowa.	R. L. Ashhurst,
		of counsel for the

appellees.

Proclamation being made the Court is adjourned until Monday next at twelve o'clock.

Monday, March 10, 1879.

Pursuant to adjournment the Court met today at the Capitol.

Present

The Honorable Morrison R. Waite, Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
William Strong
Joseph P. Bradley
John M. Harlan
Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Charles King it is ordered that George A. King, Esquire, of Washington City, District of Columbia, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Assistant Attorney General

Smith it is ordered that Geo. F. Holmes, Esquire of Portland, State of Maine, be admitted to practice as an attorney and counseller of this Court and he was sworn accordingly.

1113 The United States vs. Appellants Evelina Perot, wife of John A. Kew et al.

Mr. Justice Bradley delivered the opinion of the Court directing that upon the claimants remitting from the judgment of the District Court in this cause by filing with the Clerk of this Court a remittur of 5,346 4/10 acres they will be entitled to an affirmance of the decree for the balance, viz: 17,713 6/10 acres.

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128. The Union National Bank of St. Louis et al vs. Plffs in Error Elizabeth A. Matthews

The order and judgment of this Court heretofore entered in this case is so modified as to read as follows:

The decree of the Supreme Court of the State of Missouri is reversed, and the

cause will be remanded for further proceedings not inconsistent with the opinion of this Court touching the validity of the deed of trust of the defendant in error with respect to the National Banking law. (per Mr. Justice Swayne)

The Sandusky Seat Company et al. vs. Appellants
Theodore Comstock et al.

600

It is ordered that the injunction decreed by the Circuit Court in this case be suspended upon the following terms—

Within thirty days from this date the appellants shall execute to the appellees a bond with two sufficient sureties in the penal sum of twenty-five thousand dollars and conditioned,

1. That the appellants shall keep a full and true account of all profits hereafter made for which they will be liable if the decree of said Circuit Court is sustained by this Court.

2. That such account coming down as

near as may be to the first day of each succeeding month verified by oath shall be filed on that day in the Clerk's Office of said Circuit Court until the final order and judgment of this Court herein.

3. That if the decree of the said Circuit Court shall be affirmed by this Court they will pay to the appellees all moneys and costs which shall be finally ordered and decreed to be so paid.

Said bond shall be approved by the Justice of this Court assigned to the 6th Circuit and shall be deposited in the Clerk's Office of this Court.

This order shall take effect upon the bond being so approved and deposited.

Per Mr. Justice Swayne.

William R. Fosdick and James D. Fish, and Frederick H. Hinde, Copartners &c.	Appeal from the Circuit Court of the United States for the Northern District of Illinois
631. vs. Appellants	
Michael Schall, Surviving	

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Northern District of Illinois, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court in this cause, so far as it directs the payment of the sum of $11,568.75 to Schall, the appellee, from the fund in Court be, and the same is hereby, reversed; In all other respects the decree is affirmed; And that this cause be, and the same is hereby, remanded to the said Circuit Court with instructions to so modify the decree appealed from as to make it conform to this judgment. Costs in this Court to be paid by the appellee.

Per Mr. Chief Justice Waite

Frederick K. H. Heidekoper, Thomas K. Shannon, John M. Dennison, George W. Gill, Munson A. Sumner, Chandler Robbins and William T. Hicks

vs.

The Hinckley Locomotive Works.

Appeal from the Circuit Court of the United States for the Northern District of Illinois.

573.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Northern District of Illinois, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged and decreed by this Court that the decree of the said Circuit Court, in this cause be, and the same is hereby, reversed with costs; And that this cause be, and the same is hereby, remanded to the said Circuit Court for such further proceedings not inconsistent with the opinion of this Court as may seem to be proper.

Per Mr. Chief Justice Waite

William R. Fosdick &
James D. Fish and
Frederick H. Hinde, Respondents.
630. vs. Appellants
The Southwestern Car
Company, Intervenor.

Appeal from the Circuit
Court of the United
States for the Northern
District of Illinois

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Northern District of Illinois, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court, in this cause, be, and the same is hereby, affirmed with costs and interest, until paid, at the same rate per annum that similar decrees bear in the Courts of the State of Illinois.

Per Mr. Chief Justice Waite.

125 Orange Noble, J. J. Lamb, and Theodore Knight vs. Pfeffer in Error — The Thompson Oil Co, Exrs of Conrad J. Brown, Adm'r de bonis non &c, of Conrad Brown, deceased, Jno. H. & Thomas M. Walker, Executors of Jno. H. Walker, dec'd, Jas. C. Marshall and Francis F. Marshalls.

In Error to the Supreme Court of the State of Pennsylvania.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Pennsylvania, and was argued by counsel. On consideration whereof, the Court being equally divided in opinion, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Harvey Terry 755 vs. Appellant Jno. J. McClure, Receiver of the Bank of Chester, et al.	On consideration of the motion to dismiss this cause it is now here ordered by the Court that said motion be, and the same is hereby, denied.

The Life Association of America 605 vs. Iff in Error Letitia V. Nelson	Motion for an order for a new Supersedeas Bond.

It appearing that since the approval of the Supersedeas Bond in this cause George N. Lokey, one of the sureties, has become insolvent, It is ordered that the present supersedeas be vacated unless the plaintiff in error, on or before the last Monday in April next, file with the Clerk of this Court a new bond conditioned according to law with security to be approved by the Justice assigned to the Eighth Circuit.

Per Mr. Chief Justice Waite.

William Cummings, Treasurer &c.
883. vs. Appellant
The Merchants National Bank of Toledo.

Ordered by the Court that this cause be advanced and assigned for argument on the first Tuesday of the next term.

Ex parte: In the matter of the The Commonwealth of Virginia.
4 Original Petitioner

On consideration of the petition and motion filed in this cause by Mr. Jas. J. Field, of counsel for the petitioner praying for a rule requiring Alexander Rives, Judge of the District Court of the United States for the Western District of Virginia, to show cause why a writ of Mandamus should not issue commanding him to cause to be delivered by the Marshal of said District to the Jailor of Patrick County, in Virginia, the bodies of Burwell Reynolds and Lee Reynolds to be dealt with according to the law of the Commonwealth of Virginia— It is now here ordered that the said Alex-

under Rives, Judge of the District Court of the United States for the Western District of Virginia, show cause if he can before this Court on or before the 31st day of March, A. D. 1879, why a writ of Mandamus should not issue to him in accordance with the prayer of the petitioner.

Per Mr. Chief Justice Waite

In the matter of Frank J. Bowman.

Mr. P. Phillips asked and obtained leave to file a printed copy of the opinion of the Court of Appeals of the State of Missouri in the matter of Frank J. Bowman.

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128. The Union National Bank of St. Louis et al. vs. Potts in Error Elizabeth A. Matthews

On motion of Mr. P. Phillips it is ordered, that leave be granted the Clerk to issue the Mandate in this cause.

The Baltimore & Potomac R. R. Co.
196 vs. Pff in Error
James H. Grant

The Washington & Georgetown R. R. Co.
331 vs. Pff in Error
Owen J. Conners
and
The Baltimore & Potomac R. R. Co.
vs. Pff in Error
Wm. T. Harmon, Trustee

Mr. R. T. Merrick filed motions to dismiss in these cases.

Chas. B. Andrade
22 vs. Appellants
Constance C. Redfield, Executrix &c, et al.

Mr. Asst Atty Gen'l Smith moved the Court for leave to the Clerk to issue the Mandate in this cause. Whereupon this Court not being now here sufficiently advised of and concerning what order to render in the premises took time to consider.

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781 The United States vs. The Denver Pacific Railway & Telegraph Co. Appellant

Mr. H. Beard moved the Court for leave to the Clerk to issue the Mandate in this cause. Whereupon this Court not being now here sufficiently advised of and concerning what order to render in the premises took time to consider.

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759 The Mississippi Mills vs. Wm. M. Cook, Tax Coll'r. Plff in Error

Mr. Van A. Manning filed and submitted to the consideration of the Court motion to advance this cause.

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787 Edward Corbley et al vs. The Aetna Life Ins Co. Appellants

Mr. W. S. Abert, of counsel for the appellee, upon confessing the errors assigned in this cause moved the Court that the decree be reversed and the cause remanded. Whereupon this Court not being now here sufficiently advised of and concerning what order to render in the premises took time to consider.

175	Russell Sage et al vs. The Central Railroad Company of Iowa. and Russell Sage et al. vs. The Central Railroad Company of Iowa.	The argument of these causes was continued by Mr. R. L. Ashhurst, of counsel for the appellee, and concluded by Mr. M. H. Carpenter, of counsel for the appellants.
176	The Town of Orleans vs. Nathan & Platt.	The argument of this cause was commenced by Mr. Levi H. Brown, of counsel for the plaintiff in error.

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Tuesday, March 11, 1879.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Morrison R. Waite, Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
William Strong
John M. Harlan
} Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk

Proclamation being made the Court is opened

The Alliance Mutual Life Assurance Society of the United States vs. Lizzie B. Soule	In Error to the Circuit Court of the United States for the District of Kansas.

165

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Kansas, and on the authority of the counsel for the plaintiff in error on file and

motion of Mr. P. Phillips, in behalf of counsel, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed with costs.

Per Mr. Chief Justice Waite

The Mutual Life Insurance Company of New York.
vs. In Error
Charles S. Jeffries, Admr of Allen Kennedy, deceased.

672

In Error to the Circuit Court of the United States for the Eastern District of Missouri.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Missouri, and on the authority of the counsel for the plaintiff in error on file, and motion of Mr. P. Phillips, in behalf of counsel It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed, each party paying their own costs.

Per Mr. Chief Justice Waite

176 The Town of Orleans vs. Plff in Error
Nathan E. Platt

The argument of this cause was continued by Mr. L. H. Brown, of counsel for the plaintiff in error, by Mr. Francis Kernan, of counsel for the defendant in error, and concluded by Mr. Brown, for the plaintiff in error

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177 The Town of Brooklyn vs. Plff in Error
The Aetna Life Ins. Co.

This cause was argued by Mr. M. T. Peters, of counsel for the plaintiff in error, and submitted on printed argument by Mr. J. H. Roberts & Mr. O. J. Bailey, of counsel for the defendant in error.

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178 Mary R. Montgomery by her tutrix &c. vs. Plff in Error
Henry Damont

This cause was argued by Mr. P. Phillips, of counsel for the defendant in error, and submitted on printed arguments by Mr Thomas Hunton, of counsel for the plaintiff in error, and by Mr. H. C. Miller, of counsel for the defendant in error

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Proclamation being made the Court is adjourned until

Wednesday, March 12, 1879.

Pursuant to adjournment the Court met to day at the Capitol.

Present

The Honorable Morrison R. Waite, Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
John M. Harlan
} Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. J. K. Edsall it is ordered that Conover H. Willett, Esquire, of Chicago, State of Illinois, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

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951 Richard & Josephine Prewit vs. Appellants
Robert H. Wilson, Assignee

On motion of Mr. J. D. Morgan leave is hereby granted him

to withdraw the transcript in this cause for the purpose of having it compared and authenticated.

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179 Joseph Grafton vs. Plff in Error / Stephen H. Cummings

This cause was argued by Mr. A. J. Vanderpool, of counsel for the plaintiff in error, and by Mr. Thomas H. Hubbard and Mr. Henry Heywood, of counsel for the defendant in error.

Proclamation being made the Court is adjourned until to morrow at twelve o'clock M.

Thursday, March 13, 1879.

Pursuant to adjournment the Court met to day at the Capitol.

Present

The Honorable Morrison R. Waite, Chief Justice

Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
John M. Harlan
} Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened

On motion first made to the Court in this behalf by Mr. R. T. Merrick it is ordered that T. F. Bush, Esquire, of Monticello, State of New York, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

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843. The U.S. Ex rel: Alex^r McLeod vs. Riffin Error
John Sherman and Secy of the Treasury.

On motion of Mr. Attorney General Devens it is ordered that this cause be

assigned for argument on Monday the 24th of March instant.

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181 Samuel Stringfellow et al vs. Joseph McCain et al — Appellants

and

182 Samuel Stringfellow et al vs. Joseph McCain et al — Plff in Error

The argument of these cases was commenced by Mr. J. L. Rawlins, of counsel for the appellants and plaintiff in error, continued by Mr. R. N. Baskin, of counsel for the appellees and defendants in error, and concluded by Mr. George N. Biddle, of counsel for the appellants and plaintiff in error.

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181 Samuel Stringfellow et al vs. Joseph McCain et al — Appellants

and

182 Samuel Stringfellow et al vs. Joseph McCain et al — Plff in Error

On motion of Mr. George N. Biddle it is ordered that George Q. Cannon, Brigham Young and Albert Carrington, Executors of Brigham Young,

deceased, be entered as parties appellants and plaintiffs in error respectively in these cases in place of Brigham Young, deceased.

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Friday, March 14, 1879.

Pursuant to adjournment the Court met today at the Capitol.

Present

The Honorable Morrison R. Waite, Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
John M. Harlan
} Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk

Proclamation being made the Court is opened

L. M. Flournoy, Pres't of Commercial Bank of Kentucky
vs. Pfeiffer in Error
Alfred Lastrapes
186.

On motion of Mr. H. H. Phillips leave is hereby granted him to appear in behalf of certain creditors and file brief in this cause.

Friday, March 11, 1859, continued.

George Q. Cannon et al, Executors of Brigham Young, deceased.	The argument of this cause was commenced by
183. vs. Pl'ff in Error	Mr. George M.
Sarah M. Pratt	Biddle, of counsel

for the plaintiffs in error, continued by Mr. Robert N. Baskin, of counsel for the defendant in error, and concluded by Mr. J. L. Rawlins, of counsel for the defendant in error.

The Northwestern University.	The argument
184. vs. Pl'ff in Error	of this cause
The People Ex rel: H. B. Miller,	was commenced
Treasurer.	by Mr. Wirt
	Dexter, of

counsel for the plaintiff in error, and continued by Mr. J. K. Edsall, of counsel for the defendant in error.

Proclamation being made the Court is adjourned until Monday next at twelve o'clock.

Monday, March 17th. 1879

Pursuant to adjournment the Court met today at the Capitol.

Present

The Honorable Morrison R. Waite, Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
Joseph P. Bradley
John M. Harlan
Associate Justices

John G. Nicolay, Esquire, Marshal
David Wesley Middleton, Clerk.

Proclamation being made the Court is opened

On motion first made to the Court in this behalf by Mr. H. A. Mann it is ordered that William M. Irvine, Esquire, of Brooklyn, State of New York, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly

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On motion first made to the Court in this behalf by Mr. Ashbel Green it is ordered that Edmund R. Morrell, Esquire, of Philadelphia,

State of Pennsylvania, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. S. M. Sanderson it is ordered that B. F. Meyers, Esquire, of Auburn, State of California, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. C. P. James it is ordered that J. B. Stallo, Esquire, of Cincinnati, State of Ohio, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles H. Reed it is ordered that Edmund Jussen, Esquire, of Chicago, State of Illinois, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

Amelia Mary Fice and Henry T. Chapman Jr., Administrators of Isaac T. Fice, dec'd, Appellants vs. The United States

103 | Appeal from the Court of Claims

This cause came on to be heard on the transcript of the record from the Court of Claims and was argued by counsel. On consideration whereof It is now here ordered and adjudged by this Court that the judgment of the said Court of Claims, in this cause, be, and the same is hereby, affirmed.

Per Mr. Justice Harlan

The United States Ex rel: The Concord Savings Bank vs. The Mayor & Councilmen of the City of Fort Scott, Plff in Error

829 | In Error to the Circuit Court of the United States for the District of Kansas.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Kansas

State of Pennsylvania, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. S. M. Sanderson it is ordered that B. F. Myers, Esquire, of Auburn, State of California, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. C. P. James it is ordered that J. B. Stallo, Esquire, of Cincinnati, State of Ohio, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles H. Reed it is ordered that Edmund Jussen, Esquire, of Chicago, State of Illinois, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

Amelia Mary Fice and Henry P. Chapman Jr., Administrators of Isaac P. Fice, dec'd., vs. The United States

1034 — Appellants

Appeal from the Court of Claims

This cause came on to be heard on the transcript of the record from the Court of Claims and was argued by counsel. On consideration whereof It is now here ordered and adjudged by this Court that the judgment of the said Court of Claims, in this cause, be, and the same is hereby, affirmed.

Per Mr. Justice Harlan

The United States Ex rel: The Concord Savings Bank vs. The Mayor & Councilmen of the City of Fort Scott

829 — Plff in Error

In Error to the Circuit Court of the United States for the District of Kansas.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Kansas

and was argued by counsel. On consideration whereof, it is now here ordered and adjudged by this Court that the judgment of the said Circuit Court, in this cause be, and the same is hereby, reversed with costs; And that this cause be, and the same is hereby remanded to the said Circuit Court for further proceedings to be had therein in conformity with the opinion of this Court.

Per Mr. Justice Harlan

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781. The United States vs. The Denver Pacific Railway & Telegraph Co. Appellant

Mr. Justice Bradley filed addendum to opinion in this cause.

751. The United States vs. The Denver Pacific Railway & Telegraph Co. Appellant

On consideration of the motion of Mr. H. Beard it is ordered that leave be granted the Clerk to issue the Mandate in this cause.

	C. H. Airhart (otherwise H. C. Airhart.	In Error to the Circuit Court of the United States for the Western District of Texas.
61.	vs.	
	Plff in Error	
	Anna Redding De Masicot, Julia Texana Masicot, Adelfina Masicot, Luis Masicot, and Alexander Masicot	

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Western District of Texas, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court with directions to award a new trial.

Per Mr. Justice Bradley.

Monday, March 17, 1879. Continued-

Thomas R. Harrell and John Lelehworth vs. Appellants Benjamin C. Filghman	Appeal from the Circuit Court of the United States for the Eastern District of Pennsylvania.

1172

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Pennsylvania, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged and decreed by this Court that the decree of the said Circuit Court in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court with directions to dismiss the bill without prejudice.

Per Mr. Justice Miller

Dissenting:
Mr. Justice Bradley
Mr. Chief Justice Waite
Mr. Justice Swayne.

(Mr. Justice Strong did

not hear the argument nor take any part in the decision of this cause.)

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170. James Hooper vs. Riffin & Douglass Robinson and James F. Cox, as Robinson & Cox. | In Error to the Circuit Court of the United States for the District of Maryland.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Maryland, and was argued by counsel On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court for further proceedings to be had therein in conformity with the opinion of this Court.

(Per Mr. Justice Swayne)

Wallace Wilkenson 686 vs. Pltff in Error The People of the U.S. in the Territory of Utah	In Error to the Supreme Court of the Territory of Utah.

This cause came on to be heard on the transcript of the record from the Supreme Court of the Territory of Utah, and was argued by counsel. On consideration whereof. It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed.

Per Mr. Justice Clifford.

The National Bank of the State of Missouri. vs. Pltff in Error The National Bank of Commerce in New York.	On consideration of the motion of Mr. P. Phillips to amend the writ of error &c., in this cause, It is ordered that the

plaintiff in error be allowed to amend the writ by inserting the third Monday of the present term as the return day in lieu of the "second Monday in October next."

And it is further ordered that the plaintiff in error cause a new citation, returnable on the first Monday in May next, to be issued and served on the defendant in error; and that leave be, and the same is hereby, granted to file the transcript and docket the cause upon a compliance with the rules in that particular.

Per Mr. Chief Justice Chase.

Susan P. Grigsby, Administratrix of J. Warren Grigsby, deceased, and Susan P. Grigsby. Appellants

136. vs.

C. K. Pursell & Co. D. J. Saunders, Receiver &c, K. B. Isaacs & Co.

And

N. H. Thomas - Appellant in the case of C. K. Pursell & Co. et al

984. vs.

J. Warren Grigsby et al

Appeals from the Circuit Court of the United States for the District of Kentucky.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Kentucky, on appeal

and cross appeal, and was argued by counsel, On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that these appeals be, and the same are hereby, dismissed with costs.

per Mr. Chief Justice Waite

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166. David L. Yulee vs. Phffin Error / Francis Vose | In Error to the Court of Appeals of the State of New York.

This cause came on to be heard on the transcript of the record from the Court of Appeals of the State of New York, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; And that this cause be, and the same is hereby, remanded to the said Court of Appeals for such further action in accordance with the opinion of this Court as may be necessary.

per Mr. Chief Justice Waite

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787. Edward Corbley et al v. The Aetna Life Insurance Company. | Appeal from the Circuit Court of the United States for the Southern District of Illinois.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of Illinois, and on the motion of Mr. Abert, of counsel for the appellee, and upon confessing the first and fifth errors assigned, On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court in this cause, be, and the same is hereby, reversed, with costs, And that this cause be, and the same is hereby, remanded to the said Circuit Court for further proceedings not inconsistent with such confession.

Per Mr. Chief Justice Waite.

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759. The Mississippi Mills v. Kiff in Error N. M. Cook, Tax Collr. | On consideration of the motion to advance this cause it is now here or-

denied by the Court that said motion be, and the same is hereby, denied.

per Mr. Chief Justice Waite.

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35 | Emerson G. Ovies vs. Nathan Powell. Appellant | It is ordered that the Mandate issued in this cause on the 25th day of January, A.D. 1879, be, and the same is hereby, recalled; and that the Clerk of the Circuit Court of the United States for the Northern District of Illinois be, and he is hereby, directed to return to this Court said Mandate forthwith.

And it is further ordered that said cause be re-argued on printed briefs to be filed on or before the 15th of April, 1879.

per Mr. Chief Justice Waite.

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901 | B. F. Whitney et al vs. Plffs in Error Alex[r] H. Cook et al. | The motion to dismiss this cause was submitted to the consideration of the Court on printed arguments by Mr. P. Phillips in support of the same, and by Mr. T. J. Durant and Mr. C. H. Horner, in

opposition thereto.

901.	B. D. Whitney et al vs. Plffs in Error Mer. & M. Co. & et al.	The motion for a writ of Certiorari in this cause was argued and submitted by Mr. T. J. Durant, in support of the same, and by Mr. P. Phillips, in opposition thereto.

1085	The State of Tennessee vs. Plaintiff James M. Davis	Mr. Assistant Attorney General Smith filed and submitted to the

consideration of the Court motion to advance this cause.

227	The United States vs. Appellant Walter Pugh	On motion of Mr. E. Jamin leave is hereby granted the Clerk to issue the Mandate

in this cause.

Monday, March 17, 1879, Continued.

Conrad N. Jordan, Henry Amy, Edward Livingston, Frederic R. James & N. N. Cowdrey.	Appeal from the Circuit Court of the United States for the Southern District of New York.
556. vs. Appellants	
John G. Stevens, Hiram S. Hewitt, and Charles W. Opdyke, Trustees	

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of New York, and on the stipulation of counsel for the respective parties on file, and motion of Mr. Ashbel Green, of counsel for the appellees, It is now here ordered, adjudged and decreed by this Court that this appeal be, and the same is hereby, dismissed, each party paying their own costs.

per Mr. Chief Justice Waite

Conrad N. Jordan et al.	On motion of Mr.
556. vs. Appellants	Ashbel Green it is
John G. Stevens et al.	ordered that leave
	be granted the

Clerk to issue the Mandate in this cause.

1068. The Baltimore Bridge Co. vs. Appellant
The Louisville, Paducah & Southwestern R.R. Co. et al
And
The Baltimore Bridge Co. vs. Appellant
L. H. Meyer & T. C. Calhoun, Trustees &c.

The motion to rescind the order entered on the 10th of January, 1879, docketing and dismissing cause No. 1068, and for leave to docket book of the above entitled causes was argued by Mr. J. H. B. Latrobe, in support of said motion, and by Mr. Cephas Brainard, in opposition thereto. Whereupon this Court not being now sufficiently advised of, and concerning what order to render in the premises took time to consider.

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87. John B. Dumont vs. Appellant
The Des Moines Valley Railroad Company.

Mr. Charles A. Clark, of counsel for the appellant, moved the Court for an order granting leave to the

appellant to file a bill of review in this cause in the Circuit Court of the United States for the District of Iowa. Whereupon, It is now here ordered that the appellee show cause before this Court on or before the 21st day of April next, why said motion should not be granted.

per Mr. Chief Justice Waite

The Denver & Rio Grande Railway Company,
vs. Appellant,
811 Ebenezer T. Alling et al

And

The Denver & Rio Grande Railway Company,
vs. Appellant
812 The Canon City & Utah Juan Railway Company.

The argument of the motions for leave to The Atchison, Topeka & Santa Fe R.R.Co., to intervene as appellants in these cases, to cancel the stipulation submitting said cases under the 32d Rule, to withdraw the briefs filed under said stipulation, and to dismiss the appeals, was commenced by Mr. E.R. Hoar, in support of said motions.

Proclamation being made the Court is adjourned

Tuesday, March 18, 1879.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Morrison R. Waite, Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
Joseph P. Bradley
John M. Harlan
} Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened.

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125. Orange Nobles et al vs Plaintiffs in Error
The Thompson Oil Co. et al

Mr. J. B. Cessna moved the Court for leave to the Clerk to ispue the Mandate in this cause.

Whereupon this Court not being now here sufficiently advised of, and concerning what order to render in the premises took time to consider.

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811 The Denver & Rio Grande Railway Company. vs. Appellant
Ebenezer T. Illingchat
and
812 The Denver & Rio Grande Railway Company. vs. Appellant
The Canon City & San Juan Railway Co.

The argument of the motions for leave to The Atchison, Topeka & Santa Fe Railroad Company to intervene as appellants in these cases, to cancel the stipulation submitting said cases under the 20th rule, to withdraw the briefs filed under said stipulation, and to dismiss the appeals was continued by Mr. James Grant and Mr. L. K. Bass, in opposition to said motions, and concluded by Mr. Sidney Bartlett, in support of the same.

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181 The Northwestern University vs. Plff in Error
The People Exrel: H. B. Miller, Treasurer &c.

The argument of this cause was continued by Mr. J. K. Edsall and Mr. C. H. Hillett of counsel for the defendant in error.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Wednesday March 19, 1879.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Morrison R. Waite, Chief Justice,
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan
} Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened

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184. The Northwestern University vs. Ray, in Error
The People Ex rel. H. B. Miller, Treasurer &c.

Further argument of this cause postponed until Friday on account of sickness of counsel and leave granted Mr. C. H. Willett, to file brief to-day, also leave granted to file reply thereto if deemed necessary.

The Passaic Zinc Co.	On motion of Mr. E. L.
121 vs. Appellant	Perkins leave is here-
Nicholas B. Spencer et al.	by granted the Clerk
	to issue the Mandate

in this cause.

The Schuylkill Iron Co.	On motion of Mr. E.
115 vs. Plff in Error	L. Perkins leave
The Samson Mining Co.	is hereby granted
	the Clerk to issue

the Mandate in this cause.

The Central Pacific R.R. Co.	The argument of
972 vs. Appellant	these cases was
Albert Gallatin	commenced by
and	Mr. S. H. Sanderson,
The Union Pacific R.R. Co.	of counsel for the
1053 vs. Appellants	appellant in No.
The United States	972, and con-
	tinued by Mr. Geo.

H. Williams, of counsel for the appellee.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Thursday, March 30. 1876.

Pursuant to adjournment the Court met today at the Capitol.

Present

The Honorable Morrison R. Waite, Chief Justice
Nathan Clifford, }
Noah H. Swayne }
Samuel F. Miller } Associate
Stephen J. Field } Justices
William Strong }
Joseph P. Bradley }
John M. Harlan }
John G. Nicolay, Esquire, Marshal
David Wesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. F. W. Hackett it is ordered that John N. Cole, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

Thursday, March 20, 1879, continued.

The Central Pacific R.R. Co.
972 vs. Appellant
Albert Gallatin
and
The Union Pacific R.R. Co.
1083 vs. Appellant
The United States

The argument of these cases was continued by Mr. J. McKilson, of counsel for the appellant in No. 1083, by Mr. Attorney General Devens, for the U.S., and by Mr. B. H. Hill, for the appellant in No. 972.

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Friday, March 21. 1879.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Morrison R. Waite, Chief Justice

Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan
} Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Henley Middleton, Clerk.

Proclamation being made the Court is opened

On motion first made to the Court in this behalf by Mr. Attorney General Devens, it is ordered that A. K. Dutton, Esquire, of Cincinnati, State of Ohio, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

The Northwestern University 181 vs. Plff in Error The People Ex rel: H. B. Miller, Treasurer &c.	Ordered that the argument of this cause be further postponed until Monday next on account of sickness of counsel.

The Central Pacific R.R.Co. 972 vs. Appellant Albert Gallatin and The Union Pacific R.R.Co. 1083 vs. Appellant The United States	The argument of these cases was continued by Mr. B. H. Hill, of counsel for the appellant in No. 972, and concluded by Mr. Samuel Shellabarger, of counsel for the appellant in No. 1083. Leave is hereby granted Mr. Hill to print and file his oral argument.

929. The United States, Plff in Error vs. S.B.M. Ford et al
930. " " " " " " " " " " " "
931. " " " " " " " " " " " "
932. " " " " " " " " " " " "
933. " " " " " " " Joseph Roelle et al
934. " " " " " " " " " " " "
935. " " " " " " " R.C. Mersereau
975. " " " " " " " Joseph Knittel et al

The argument of these cases was commenced by Mr. Attorney General Devens, of counsel for the plaintiffs in error, and continued by Mr. Edmund Jussen, for the defendants in error.

Proclamation being made the Court is adjourned until Monday next at twelve o'clock.

Monday, March 24, 1879.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Morrison R. Waite, Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan
} Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Kesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Attorney General Devens it is ordered that Selwyn Z. Bowman, Esquire, of Boston, State of Massachusetts, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

William H. Hackett, Frank H. Hackett, & Robert C. Pierce, Executors of the last will & testament of Wm H. J. Hackett, decd.
880. vs. } In Error to the Circuit Court of the United States for the Northern District of Illinois.
The City of Ottawa.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Northern District of Illinois, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be, and the same is hereby, reversed with costs; And that this cause be, and the same is hereby, remanded to the said Circuit Court with directions to sustain the demurrer to the second and third pleas and for such further proceedings as may be consistent with the opinion of this Court.

Per Mr Justice Harlan.

Frank T. Case, Receiver of the 1st National Bank of New Orleans.
167. vs. Appellant
G. T. Beauregard et al.

Appeal from the Circuit Court of the United States for the District of Louisiana-

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Louisiana, and was argued by counsel- On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Strong

Francis J. King, Wilson H. Griffith, Russell C. Daniels, James K. Strong & Edward Russell, Exrs of Frederick Bissell, deceased.
161. vs. Plff in Error
The United States

In Error to the Circuit Court of the United States for the Northern District of Ohio

This cause came on to be heard on the

transcript of the record from the Circuit Court of the United States for the Northern District of Ohio, and was argued by counsel On consideration whereof, It is now here ordered and adjudged by this Court that so much of the judgment of the said Circuit Court in this cause as relates to the sum of $712.77, taxed in the costs, be, and the same is hereby, reversed; in all other respects it is affirmed; And that this cause be, and the same is hereby, remanded to the said Circuit Court.

per Mr. Justice Miller.

(The Chief Justice was not present at the argument and took no part in the decision of this cause.)

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179. Joseph Grafton, Plff in Error, vs. Stephen H. Cummings. | In Error to the Circuit Court of the United States for the Southern District of New York.

This cause came on to be heard on the

transcript of the record from the Circuit Court of the United States for the Southern District of New York, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause, be, and the same is hereby, reversed with costs; And that this cause be, and the same is hereby, remanded to the said Circuit Court with directions to set aside the verdict.

Per Mr. Justice Miller.

Stephen D. Hosmer vs. Wiffin Error William T. Wallace	In Error to the Supreme Court of the State of California.

1711

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of California, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs. Per Mr. Justice Field.

William McBurney & Thomas R. McElhan vs. Caroline Carson.	Appeal from the Circuit Court of the United States for the District of South Carolina.

780.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of South Carolina, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Swayne.

Mary F. Montgomery by Rosella Montgomery, her tutrix, next friend & guardian vs. Henry Samory.	In Error to the Circuit Court of the United States for the District of Louisiana.

178.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Louisiana, and was argued by counsel.

On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court, in this cause, be, and the same is hereby, affirmed with costs.

per Mr. Justice Clifford

(Justices Field and Bradley were not present at the argument and took no part in the decision of this cause.)

The St. Louis, Iron Mountain & Southern Railway Company.	In Error to the Supreme Court of the State of Arkansas.
173 v.	
Plff in Error	
John R. Loftin.	

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Arkansas, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

per Mr. Chief Justice Waite

1055. The State of Tennessee vs. Plaintiff
James M. Davis

On consideration of the motion of Mr. Ass't Attorney General Smith it is ordered that this cause be advanced and assigned for argument on the 14th of April next.

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901. S. D. Whitney et al vs. Plffs in Error
Alexander H. Cook et al.

Mr. Thomas J. Durant, of counsel for the plaintiffs in error, having filed and read in open court a suggestion of a diminution of the record in this case in the words and figures following, to wit:

"That the special plea of Whitney, his plea of the general issue, the demurrer of Cook to said special plea, the judgment of the Sale Circuit Court of Warren County, Mississippi, overruling said demurrer, the general replication of Cook to the plea, all of which are described or alluded to on page two of brief of counsel of defendant in error, and the judgment of the Supreme Court of Mississippi, sending back the

case for a venire facias de novo" are omitted from the transcript in said cause.

By reason of which omissions and errors aforesaid the said counsel now here move the Court to award a Writ of Certiorari to be directed to the Judges of the Circuit Court of the United States for the Southern District of Mississippi commanding them that searching the record and proceedings of said Court in this cause they shall certify to this Court under the seal of said Circuit Court whatever omissions and errors shall be found, which was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that a Writ of Certiorari be, and the same is hereby, awarded to be issued forthwith and to be directed to the Judges of the Circuit Court of the United States commanding them that searching the records & proceedings aforesaid they forthwith certify to this Court under the seal of the said Circuit Court whatever omissions and errors shall be found in this cause and return

the same with the said Writ of Certiorari to this Court on or before the 4th day of April, A.D. 1879.

Per Mr. Chief Justice Waite.

111.	E. D. Whitney et al vs. Plffs in Error Alex. H. Cook et al.	Ordered that the motion to dismiss, or affirm the judgment in this cause, be continued until after the return to the Writ of Certiorari.

125.	Orange Noble et al vs. Plffs in Error The Thompson Oil Co.	On consideration of the motion of Mr. J. B. Cessna, leave is hereby granted the Clerk to issue the Mandate in this cause.

114.	Edwin D. Morgan et al vs. Plffs in Error Isaac Donovan	The motion to dismiss this cause was submitted to the consideration of the Court on printed arguments by Mr. P. Phillips, in support of the

same, and by Mr. G. A. Stewart and Mr. J. A. Campbell, in opposition thereto.

1098 The United States vs. Appellant Josiah Winchester, Executor &c. | On motion of Mr. Asst Atty General Smith it is ordered that this cause be advanced to be submitted on printed briefs.

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701 Robert Erwin vs. Appellant The United States | The motion and petition to amend the judgment of this Court entered in this cause and to amend the record below was argued by Mr. B. F. Butler, in support of the same and by Mr. Asst Atty Genl Smith, in opposition thereto. Whereupon this Court not being now here sufficiently advised of and concerning what order to render in the premises took time to consider.

Monday, March 24, 1879, Continued.

956.	Frank O. Kihlberg vs. The United States	Appellant	On motion of Mr. Harvey Spalding it is ordered that leave be granted the Clerk to issue the Mandate in this cause.

686.	Wallace Wilkenson vs. The People of the U. S. in the Territory of Utah	Plff in Error	On motion of Mr. Asst Attly Genl Smith it is ordered that leave be granted the Clerk to issue the Mandates in these causes.
687.	The United States vs. Jeremiah Hall.	Plaintiff,	
126.	The United States vs. Louis Benecke	Plaintiff	
	And		
127.	The United States vs. Clark Irvine	Plaintiff,	

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781 Edward Corbley et al vs. The Aetna Life Insurance Company. Appellants

On motion of Mr. Abert ordered that leave be granted the Clerk to issue the Mandate in this cause.

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929 The United States, Plff in Error, vs. S.B.M. Ford et al

930 " " " " " " " " " " " " "

931 " " " " " " " " " " " " "

932 " " " " " " " " " " " " "

933 " " " " " " " Jos. Roelle et al

934 " " " " " " " " " " " " "

935 " " " " " " " R. C. Mussieau

936 " " " " " " " Jos. Roelle et al

The argument of these causes was continued by Mr. Edmund Jussen and Mr. Chas. H. Reed, of counsel for the defendants in error.

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Tuesday, March 25, 1879.

Pursuant to adjournment the Court met to day at the Capitol.

Present

The Honorable Morrison R. Waite, Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan
} Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened.

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929. The United States, Piffin Exec, vs. S. B. M. Ford et al
930. " " " " " " " " " " "
931 " " " " " " " " " " "
932 " " " " " " " " " " "
933 " " " " " " " Joseph Rodle et al
934 " " " " " " " " " " "
935 " " " " " " " R. C. Merserau
936. " " " " " " " Jos. Rodle et al

The argument of these cases was continued

by Mr. Chas. H. Reed, of counsel for the defendants in error, and concluded by Mr. Attorney General Stevens, of counsel for the plaintiffs in error.

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885 William H. Platt, Appellant vs. The Union Pacific R.R. Co.

The argument of this cause was commenced by Mr. Jas. Lowndes, of counsel for the appellant, and continued by Mr. Samuel Shellabarger and Mr. Sidney Bartlett, of counsel for the appellee.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Wednesday, March 26 1879.

Pursuant to adjournment the Court met to day at the Capitol.

Present

The Honorable Morrison R. Waite, Chief Justice.
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
John M. Harlan
Associate Justices.

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Attorney General Devens it is ordered that George C. Hing, Esquire, of Washington, City, District of Columbia, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Hon. Francis Kernan it is ordered

That R. V. Peckham, Esquire, of Albany, State of New York, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

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885. Wm. H. Platt vs. The Union Pacific Railroad Company. Appellant

The argument of this cause was concluded by Mr. Attorney General Devens, in behalf of the United States.

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184. The Northwestern University vs. The People, Ex rel: H. B. Miller, Treasurer &c. Plff in Error

The argument of this cause was concluded by Mr. Matt H. Carpenter, of counsel for the plaintiff in error.

Wednesday, March 26, 1879, Continued.

The U.S. Exrel: Alexander McLeod.	The argument of this cause was commenced
843. vs. Plff in Error	by Mr. Wm. A.
John Sherman, Secretary	Maury, of coun
of the Treasury.	sel for the plain-

tiff in error, and continued by Mr. Attorney General Devens, of counsel for the defendant in error.

Proclamation being made the Court is ad-
journed until to morrow at twelve
o'clock.

Thursday, March 27, 1879.

Pursuant to adjournment the Court met to day at the Capitol.

Present

The Honorable Morrison R. Waite, Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan
Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened.

	The Schuylkill Iron Co.	Mr. Daniel Dougherty,
1101	vs.	of counsel for the
	Elfin in Error	defendant in error,
	The Samson Mining Co.	having filed and

read in open Court the following certificate to wit:

"In the Circuit Court of the United States in and for the Eastern District of Pennsylvania, in the third Circuit.

Thursday, March 27, 1879, Continued

The Lamson Mining Co., a corporation of the State of New Jersey
vs.
The Schuylkill Iron Company a corporation of the State of Pennsylvania

No. 98 April session 1876

I, Samuel Bell, Clerk of the Circuit Court of the United States in and for the Eastern District of Pennsylvania, in the third Circuit, do hereby certify that in the above entitled cause a writ of error was sued out by the said defendants, the Schuylkill Iron Co., and duly allowed February 26, A. D. 1875.

In testimony whereof I have hereunto subscribed my name and affixed the seal of the said Circuit Court this 22d day of March, A.D. 1879, and in the 103d year of the Independence of the said United States.

(Seal)

Samuel Bell
Clerk Circuit Court U.S.

and having stated that the plaintiff in error had altogether failed to file the record of said cause in this Court or in anyway to prosecute said writ of error, now here moved the Court, in pursuance of the 9th rule of this Court, to have this writ of error docketed and dismissed - On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause to the Circuit Court of the United States for the Eastern District of Pennsylvania be, and the same is hereby, docketed and dismissed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court to be proceeded in according to law and justice.

Per Mr. Chief Justice Waite

The U.S. Exrel: Alexander McLeod

vs. } In Error

John Sherman, Secretary of the Treasury.

8413.

The argument of this cause was continued by Mr. Attorney General Devens, of counsel for the

defendant in error, and concluded by Mr. W. A. Maury, for the plaintiff in error.

L. M. Flournoy, President of Commercial Bank of Kentucky.
86. vs. Pltff in Error
Alfred Lasbrapes.

This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. Thomas Hunton, of counsel for the plaintiff in error, and by Mr. W. H. Phillips in behalf of the defendant in error.

The People Ex rel: C. P. Williams
vs. Pltff in Error
97. Wm. J. Weaver et al
and
C. P. Williams
vs. Pltff in Error
1047. Wm. J. Weaver et al

The argument of these cases was commenced by Mr. Matthew Hale, of counsel for the plaintiffs in error, and continued by Mr. R. H. Peckham, of counsel for the defendants in error.

Thursday, March 27, 1879, Continued

1101	The Schuylkill Iron Co. vs. Pfeffin Error The Jamison Mining Co.	On motion of Mr. Daniel Dougherty leave is hereby granted the Clerk to issue the Mandate in this cause.

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Friday, March 28, 1879.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Morrison R. Waite, Chief Justice

Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan
} Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened

On motion first made to this Court in this behalf by Mr. P. Phillips it is ordered that Sidney Ward, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

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166. David L. Fulee. vs. Plff in Error. Francis Vose.

On motion of Mr. P. Phillips leave is hereby granted the Clerk to issue the Mandate in this cause.

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97. The People Exrel: C. P. Williams vs. Plff in Error. Wm. J. Weaver et al.

And

1014. C. P. Williams vs. Plff in Error. Wm. J. Weaver et al.

The argument of these cases was continued by Mr. R. W. Peckham, of counsel for the defendants in error, and concluded by Mr. George F. Edmunds, for the plaintiffs in error.

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18. Joseph Bonnotine vs. Plff in Error. John A. Wills

The argument of this cause was commenced by Mr. J. B. Stallo, of counsel for the plaintiff in error, continued by Mr. J. H. Ashton and Mr. C. P. James, of counsel for the defendant in error, and concluded by Mr. Stallo, for the plaintiff in error.

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130. The Steamship "Abbotsford" &c. vs. Appellant
J. J. Johnson.

The argument of this cause was commenced by Mr. M. P. Henry, of counsel for the appellant.

1070. The United States vs. Plaintiff
Adolph Hitteman
And
1084. The United States vs. Plaintiff
W. H. Johnson et al.

Mr. Assistant Attorney General Smith filed and submitted to the consideration of the Court motion to advance these cases.

Proclamation being made the Court is adjourned until Monday next at twelve o'clock.

Monday, March 31, 1879.

Pursuant to adjournment the Court met today at the Capitol.

Present

The Honorable Morrison R. Waite, Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan
Associate Justices

John F. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. George Ruyson it is ordered that John W. Munday, Esquire, of Chicago, State of Illinois be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

The United States Ex rel: Morris Ranger.	In Error to the Circuit Court of the United States for the District of Louisiana.
150. vs. Plff in Error	
The City of New Orleans.	

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Louisiana, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court, in this cause, be, and the same is hereby, reversed with costs; And that this cause be, and the same is hereby, remanded to the said Circuit Court with directions to issue a Writ of mandamus as prayed in the petition of the relator.

Per Mr. Justice Field.

The United States of America Ex rel: Charles Parsons vs. Charles S. Lewis, the Mayor and Administrators of the City of New Orleans.	In Error to the Circuit Court of the United States for the District of Louisiana.

157

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Louisiana, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court with directions to issue a writ of mandamus to levy and collect a tax as prayed by the relator to pay the judgment described in his petition with lawful interest thereon.

per Mr. Justice Field

Monday, March 31, 1879, continued.

The United States Ex rel:
James Radich
vs. Plff in Error
The Mayor and Board of
Administrators of the
City of New Orleans.

In Error to the Circuit Court of the United States for the District of Louisiana.

1879.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Louisiana, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court with directions to issue a writ of mandamus as prayed in the petition of the relator.

per Mr. Justice Field.

The United States Ex rel: William S. Tilden	In Error to the Circuit Court of the United States for the District of Louisiana.
188 vs. Riffin in Error The Mayor and Board of Administrators of the City of New Orleans.	

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Louisiana, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court, in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court with directions to issue a writ of mandamus as prayed in the petition of the relator.

per Mr. Justice Field.

Monday, March 31, 1879, Continued.

187- Joseph Tourneine, Plff in Error vs. John A. Stiles. | In Error to the Circuit Court of the United States for the Southern District of Ohio.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of Ohio, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be, and the same is hereby, affirmed with costs and interest, until paid, at the same rate per annum that similar judgments bear in the Courts of the State of Ohio.

Per Mr. Chief Justice Waite

86.	The Bank of America vs. Virginia Jno. A. D. Banks.	In Error to the Circuit Court of the United States for the Southern District of Mississippi.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of Mississippi, and was argued by counsel. On consideration whereof, the Court being equally divided in opinion, it is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause, be, and the same is hereby affirmed with costs.

154.	The North St. Louis Savings Association vs. John F. Brockschmidt, F. W. Brockschmidt & G. H. Brockschmidt, as J. F. Brockschmidt & Bro.	In Error to the Circuit Court of the United States for the Southern District of Illinois.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of Illinois, and was argued by counsel. On consideration whereof, the Court being equally divided in opinion, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court, in this cause, be, and the same is hereby, affirmed, with costs.

The Ohio & Mississippi Railroad Company,	In Error to the Circuit Court of the United States for the Eastern District of Missouri.
171. vs. Affirm'd Error	
The Merchants National Bank of St. Louis	

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Missouri, and was argued by counsel. On consideration whereof, the Court being equally divided in opinion, It is now here ordered and adjudged by this Court that the judgment of the said Circuit

Court, in this cause be, and the same is hereby, affirmed with costs and interest, until paid, at the same rate per annum that similar judgments bear in the Courts of the State of Missouri.

The Mobile & Ohio Railroad Company. vs. Pltff in Error. The State of Mississippi.	Ordered by the Court that this cause be re-argued before a full Court.

Edwin D. Morgan et al. vs. Pltff in Error Isaac Donovan.	On consideration of the motion to dismiss this cause it is ordered that said motion be, and the same is hereby postponed until the hearing of the cause on its merit.

The United States vs. Plaintiffs, Adolph Hillemann and The United States vs. Plaintiffs, H. H. Johnson et al.	On consideration of the motion of Mr. Asst Atty Genl Smith to advance these cases, it is ordered that said motion be

granted and that the cases be assigned for argument on the 3d day of this next term.

The Baltimore Bridge Co. vs. Appellant
1168 The Louisville, Paducah & Southwestern Railroad Co.

On consideration of the motion to rescind the order docketing and dismissing this cause and to reinstate the same upon the docket. It is now here ordered by the Court that said motion be, and the same is, hereby, denied.

The Baltimore Bridge Co. vs. Appellant
1103 L. H. Meyer et al.

Mr. H. C. Riddell, of counsel for the appellees, having filed and read in open court the following certificate, to wit:

"United States of America
District of Kentucky.

I, Samuel B. Crail, Clerk of the Circuit Court of the United States for the District of Kentucky, at Louisville, do hereby certify that in a certain cause pending in said court, wherein L. H. Meyer

and Silo C. Calhoun, were complainants in Equity, and The Louisville Paducah & Southwestern Railroad Company, The City of Louisville, The Mississippi Valley Insurance Company of America, The German Real Estate and Building Association, Charles Millard, John G. Barret, William H. Norton, C. A. Hedekind, William Hedekind, Louis Hedekind, Joseph Drabelle, Theodore Harris, W. E. Elstone, William Cox, Leopold Friedman, William A. Meriwether, J. K. McCann, Jas. K. McCann, S. P. Meyer, John Hay, Michael Keagan, W. C. Kennedy, Francis Simmons, R. C. Kerr, A. H. Bowman, Patrick Flannery, William Shirely, The Baltimore Bridge Company, The St Louis Mutual Life Insurance Company, The Mound City Insurance Company, and The St Louis Life Insurance Company, were defendants, a final and several decree was made by the said Circuit Court on the 19th day of April, 1876, against the said defendant The Baltimore Bridge Company, though no appeal from the said decree was prayed by the said Baltimore

Bridge Company, defendant as aforesaid, it on the 28th day of November, 1876, filed in said Circuit Court a Supersedeas Bond, entitled both in the said case and in the case ..... of the Baltimore Bridge Company against the said Louisville, Paducah & Southwestern Railroad Company and others, with sureties in the sum of fifteen thousand dollars, reciting that it had prosecuted appeals to the Supreme Court of the United States to reverse the decree rendered in the Circuit Court of the United States for the District of Kentucky sitting at Louisville, against the said Baltimore Bridge Company in the cases of the Baltimore Bridge Company vs. Louisville, Paducah & Southwestern Railway Company and others, and Meyer & Calhoun vs. Louisville, Paducah & Southwestern Railway Company and others, which bond was approved by the Court.

(Seal) In witness whereof I have hereunto set my hand and affixed the seal of the said Circuit Court

this 13th day of January, A.D. 1879.

Samuel B. Crail Clerk.

By Henry F. Cassin D.C."

and having stated that the appellant has altogether failed to file the record of said cause in this Court or in anyway to prosecute said appeal, now here moved the Court, in pursuance of the 9th rule of this Court, to have this appeal docketed and dismissed.— On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that this appeal from the Circuit Court of the United States for the District of Kentucky be, and the same is hereby, docketed and dismissed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court to be proceeded in according to law and justice.

Per. Mr. Chief Justice Waite

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701. Robert Erwin & Co. Appellant vs. The United States

On consideration of the motion to amend the judgment and record in this cause it is now

Were ordered by the Court that said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Waite.

Ex parte: In the matter of, The Commonwealth of Virginia, Petitioner. | On motion of, Mr. Willoughby it is ordered that this cause,

41 Original

be assigned for argument on Monday the 14th day of April next.

Jas. H. Alvord et al, Appellants, vs. The United States. | Mr. J. H. Denver filed and submitted to the consideration of the Court motion

68

to rescind the order of dismissal entered in this cause on the 21st of November last and to reinstate the same upon the docket. Whereupon this Court not being now sufficiently advised of and concerning what order to render in the premises took time to consider.

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101. Fred'k H. Bibinger et al. vs. The Continental Bank of St. Louis. Appellants

On motion of Mr. Fillmore Beall ordered that leave be granted the Clerk to issue the Mandate in this cause.

Henry A. Tilden vs. Jesse M. Balle et al. Appellant

Mr. F. Beall presented the certificate of the Clerk of the Circuit Court of the United States for the Eastern District of Missouri, and moved the Court that this appeal be docketed and dismissed pursuant to the 9th Rule; Whereupon this Court not being now here sufficiently advised of, and concerning what order to render in the premises took time to consider.

The Washington & Georgetown Railroad Company
3314 vs. Plff in Error
Oscar J. Converse
and
The Baltimore & Potomac R.R. Co.
678 vs. Plff in Error
Wm. V. Harrison, Trustee &c.

The motions to dismiss these cases was submitted to the consideration of the Court on printed arguments by Mr. N. T. Merrick, in support of the same, and by Mr. Enoch Totten, in opposition thereto.

The Illinois Central R.R. Co.
1110 of 1876 vs. Appellant
Samuel H. Terrill
and
The Michigan Southern & Northern Indiana R.R. Co.
1143 of 1876 vs. Appellant
Samuel H. Terrill.

Mr. George Payson, by leave, filed and submitted to the consideration of the Court, on printed arguments, petition for leave to file a Bill of Review in these cases in the Circuit Court of the United States for

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The Chicago & Alton R.R. Co.
1490 vs. Appellant
Samuel H. Terrill.
and

The Chicago Burlington & Quincy R.R. Co. vs. Appellant 1191 Samuel H. Farrell.	the Northern District of Illinois, which was also submitted on printed arguments by Mr. F. H. Hales and Mr. L. L. Bond, in opposition thereto.

The United States vs. Plaintiff's, 1192 Murray Stanley and The United States vs. Plaintiff's, 218. Michael Ryan	On motion of Mr. Asst Attorney General Smith it is ordered that these causes be passed to be argued with No. 633 when reached in regular call.

The Village of Evanston vs. Plff in Err. 1611. Jessie Gunn	Mr. M. H. Carpenter filed motion for leave to the Clerk to issue the Mandate in this cause. Whereupon this Court not being now here sufficiently advised of and concerning what order to render in the premises took time to consider.

A. R. Shepherd et al. vs. Plff in Error John R. Bond et al. 866	The motion to dismiss this cause was submitted to the consideration of the Court on printed arguments by Mr. George F. Appleby, in support of the
And A. R. Shepherd et al. vs. Plff in Error John R. Bond et al. 867	

same, and by Mr. Wm. F. Mattingly, in opposition thereto.

The Eastern Transportation Line. vs. Plff in Error Hobart Cooper, Admr. 1089	The motion to dismiss the writ of error or affirm the judgment in this cause was submitted to the consideration of the Court on printed argument by Mr. Wm. Stanley,

in support of the same, and by Mr. R. D. Benedict, in opposition thereto.

The Steamship "Abbotsford" &c. vs. Appellant Thos. J. Johnson, Master &c. 130	The argument of this cause was continued by Mr. M. P.

Henry, of counsel for the appellant.

The Court declined to hear further argument in the case.

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191. Rees Nanna vs. Plffs in Error
S. D. Young

This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. J. N. McKune, of counsel for the plaintiff in error. No counsel appearing for the defendant in error.

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193. John A. Campbell et al. vs. Plffs in Error
David P. Rankin

This cause was argued by Mr. J. H. Ashton and Mr. N. Wilson, of counsel for the plaintiffs in error, and by Mr. R. T. Merrick, for the defendant in error.

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Tuesday, April 1, 1879.

Pursuant to adjournment the Court met today at the Capitol.

Present

The Honorable Morrison R. Waite, Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan
Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Hon. Francis Kernan it is ordered that R. A. Parmenter, Esquire, of the State of New York, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

Tuesday, April 1st, 1879, Continued

194	John H. Pence vs. Pl'ff in Error Robert B. Langdon.	The argument of this cause was commenced by Mr. Mell H. Carpenter, of counsel for the plaintiff in error, continued by Mr. Wm. Lee Breed, counsel for the defendant in error, and concluded by Mr. Carpenter for the plaintiff in error.

196.	The Baltimore & Potomac R.R. Co. vs. Pl'ff in Error James H. Grant	The argument of this cause was commenced by Mr. Enoch Totten, of counsel for the plaintiff in error, and continued by Mr. W. F. Mattingly and Mr. R. T. Merrick for the defendant in error.

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Wednesday, April 2, 1879.

Pursuant to adjournment the Court met today at the Capitol.

Present

The Honorable Morrison R. Waite, Chief Justice.
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan
Associate Justices

John G. Nicolay, Esquire, Marshal.
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Alexander Porter Morse it is ordered that Wirt Sleeper, Esquire, of New Orleans, State of Louisiana, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Enoch Totten it is ordered that

Isaac Coy, Esquire, of Chicago, State of Illinois, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

The Baltimore & Potomac R.R. Co. vs. Rff in Error 116 James H. Grant plaintiff in error.	The argument of this cause was concluded by Mr. Enoch Totten, of counsel for the

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The Board of Supervisors of Calhoun County vs. Rff in Error 117 H. B. Gallraith.	This cause was argued by Mr. P. Phillips, of counsel for the plaintiff in error, and submitted on printed arguments by Mr. K. P. Harris, for the defendant in error.

The Washington and Georgetown R.R. Co. vs. Rff in Error 118 George H. Harrell.	This cause was argued by Mr. Enoch Totten, of counsel for the plaintiff in error, and by Mr. S.

W. Cooper and Mr. J. F. Cullenden, for the defendant in error.

1879. S. Jemison, Exec'r &c. vs. Riffin Error— J. J. Kirk

This cause was argued by Mr. B. F. Meyer, of counsel for the plaintiff in error — No counsel appearing for the defendant in error.

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Thursday, April 3, 1879.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Morrison R. Waite, Chief Justice.

Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan
} Associate Justices.

John G. Nicolay, Esquire, Marshal.
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion, first made to the Court in this behalf, by Mr. J. Hubley Ashton, it is ordered that Henry C. Terry, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf, by Mr. Geo. F. Appleby it is ordered that W. E. Edmonston and Calderon Carlisle, Esquires, of Washington City, District of Columbia, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

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200 John W. Perkins and Benjamin Perkins vs. Plffs in Error. The United States

In Error to the Circuit Court of the United States for the District of Maine.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Maine, and with the consent of Mr. Solicitor General Phillips, of Counsel for the defendant in error, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be, and the same is hereby, reversed; And that this cause be, and the same is hereby, remanded to the said Circuit Court with directions to enter a

judgment, reversing the judgment of the District Court and for further proceedings according to law and justice.

per Mr. Chief Justice Waite

James McGlinchey, Plff in Error, vs. The United States. | In Error to the Circuit Court of the United States for the District of Maine.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Maine, and with the consent of Mr. Solicitor General Phillips, of counsel for the defendant in error, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court, in this cause, be and the same is hereby, reversed; And that this cause be, and the same is hereby, remanded to the said Circuit Court with direction to enter a judgment reversing the judgment of the District Court and for further proceedings according to law and justice.

per Mr. Chief Justice Waite

201 David A. Barnes, Admr of E. M. Goodrich, dec'd. vs. Logan & Hunton

Appellant,

This cause was argued by Mr. T. J. Durant, of counsel for the appellant, and submitted on printed argument by Mr. George L. Bright, of counsel for the appellant.

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202 Jacob McWilliams vs. Plff in Error

Frank F. Case, Rec'r &c.

This cause was argued by Mr. Charles Case, of counsel for the defendant in error, and submitted on printed argument by Mr. George L. Bright, of counsel for the plaintiff in error.

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203 The Wheeling Parkersburg & Cincinnati Transp't Co. vs. Plff in Error

The City of Wheeling

This cause was argued by Mr. M. Blair, of counsel for the plaintiff in error.

No counsel appearing for the defendant in error.

Thursday, April 3d, 1879, Continued.

204. John Klein vs. Plff in Error
The City of New Orleans.

This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. J. Q. A. Fellows, of counsel for the plaintiff in error. No counsel appearing for the defendant in error.

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205. Jas. Jeffkins et al. vs. Appellants
Addison Sweetser

Ordered by the Court that this cause be, and the same is hereby, continued until the next term, (per stipulation of counsel.)

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206. Peter Doyle, Secretary of State of the State of Wisconsin. vs. Plff in Error
The State of Wisconsin on the relation of A. J. Drake

In Error to the Supreme Court of the State of Wisconsin.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Wisconsin, and on the

stipulation of counsel for the respective parties on file, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed with Clerk's costs in this Court to be paid by the plaintiff in error.

Per Mr. Chief Justice Fuller.

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209. The Delaware Railroad Construction Co., et al. vs. Lewis H. Meyer et al. Appellants

210. The Delaware Railroad Construction Co., et al vs. L. H. Meyer et al, Trustees, Appellants

And

500. L. H. Meyer et al, Trustees vs. Plffs in Error The Delaware Railroad Construction Co.

These cases were argued by Mr. J. M. Brayton and submitted on printed arguments by Mr. George G. Wright, of counsel for the appellants in Nos. 209 & 210 and for the defendants in error in No. 500; and also submitted on printed arguments by Mr. James Grant, of counsel for the appellees in Nos. 209 & 210, and for the

Thursday, April 3d, 1879. Continued—

plaintiffs in error in No. 500.

Wellington Godden et al 911 vs. Appellants Mary A. S. Kimmell, Executrix.	Reargument of this cause was commenced by

Mr. James McJohnston, of counsel for the appellants, and continued by Mr. Calderon Carlisle and Mr. Geo. F. Appleby, for the appellees.

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Friday, April 4, 1879.

Pursuant to adjournment the Court met to-day at the Capitol

Present

The Honorable Morrison R. Waite	Chief Justice
Nathan Clifford	Associate Justices
Noah H. Swayne	
Samuel F. Miller	
Stephen J. Field	
William Strong	
Joseph P. Bradley	
John M. Harlan	

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened

On motion first made to the Court in this behalf by Mr. George H. Williams it is ordered that Thomas B. Reed, Esquire, of Portland, State of Maine, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

Frederick W. Stridekoper et al. Appellants
573. vs.
The Hinckley Locomotive Works.
And
William R. Fosdick et al Appellants
631. vs.
Michael Schall.

On motion of Mr. R. Biddle Roberts it is ordered that leave be granted the Clerk to issue the Mandates in these cases.

William R. Fosdick et al Appellants
630. vs.
The Southwestern Car Co.

Mr. R. Biddle Roberts moved the Court for leave to the Clerk to issue the Mandate in this cause. Whereupon this Court not being now sufficiently advised of and concerning what order to render in the premises took time to consider.

John Klein
204 vs. Pff in Error
The City of New Orleans.

On motion of Mr. B. F. Jones ordered that leave be granted him to file brief in behalf of the defendant in error in this cause

on or before Thursday next the 10th instant.

211.	Wellington Goddard et al vs. Mary A. S. Kimmel, Executrix	The argument of this cause was continued by Mr. George F. Appleby, of counsel for the appellees, and concluded by Mr. John Scott Jr. of counsel for the appellants

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212.	Parson Kitchen vs. Edmund B. Randolph	Appeal from the Circuit Court of the United States for the Eastern District of Pennsylvania.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Pennsylvania, and the appellant having been three times solemnly called by the Marshal to come into Court and prosecute his appeal, and failing to appear, It is thereupon, in pursuance of the 16th Rule of this Court, and on the motion of Mr. Lewis Hale Smith, of counsel for the appellee, now here ordered, adjudged, and decreed by this

Court that this cause be, and the same is hereby, dismissed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court to be proceeded in according to law and justice.

per Mr. Chief Justice Waite

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213. Hale, Ayer & Co., et al. vs. Charles L. Frost, Insolvent. Appellants

This cause was argued by Mr. James Grant, of counsel for the appellees, and submitted on printed arguments by Mr. N. M. Hubbard, of counsel for the appellants.

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214. The Town of Lyons vs. Edgar Munson. Plff in Error

This cause was argued by Mr. H. L. Comstock, of counsel for the plaintiff in error, and by Mr. W. F. Cogswell, for the defendant in error.

Proclamation being made the Court is adjourned until Monday next at twelve o'clock.

Monday April 7th, 1879.

Pursuant to adjournment the Court met to-day at the Capitol.

Present.

The Honorable Morrison R. Waite, Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan
} Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. S. S. Henkle it is ordered that Simon Mussina, Esquire, of Galveston, State of Texas, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. T. J. Crittenden, it is ordered

that Lucien C. Gause, Esquire, of Jacksonport, State of Arkansas, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas E. Frost, it is ordered that George N. Krekzinger, Esquire, of Chicago, State of Illinois, and Thomas Lowry, Esquire, of Minneapolis, State of Minnesota, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

Henry Army	In Error to the Circuit
1014 vs. Riff in Error	Court of the United States
The City of Dubuque	for the District of Iowa.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Iowa, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court, in this cause, be, and the same is hereby, affirmed with costs.

	Mary C. Gordon, wife of William Alexander Gordon.	Appeal from the Circuit Court of the United States for the District of Louisiana.
1050	vs. Appellant	
	James H. Gilfoil.	

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Louisiana, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court, in this cause, be, and the same is hereby, reversed; And that this cause be, and the same is hereby, remanded to the said Circuit Court with directions to render a decree in accordance with the opinion of this Court. Each party to pay their own costs in this Court and in the Circuit Court.

per Mr. Justice Bradley.

Monday, April 7th, 1879. Continued.

Russell Sage, James Bull and S. A. Cowdrey, Intervenors-	Appeal from the Circuit Court of the United States for the District of Iowa.
175 vs. Appellants	
The Central Railroad Company of Iowa et al.	

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Iowa, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Strong.

Dissenting;
Mr. Justice Clifford
" " Miller
" " Harlan.

Monday, April 7th, 1879, Continued.

Russell Sage, James Bullard and H. M. Cowdrey, Intervenors.	Appeal from the Circuit Court of the United States for the District of Iowa.
570. vs. Appellants	
The Central Railroad Company of Iowa et al.	

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Iowa, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court, in this cause, be, and the same is hereby, affirmed with costs.

per Mr. Justice Strong

Dissenting;
Mr. Justice Clifford
" " Miller
" " Harlan

The Canal Bank of New Orleans, The Crescent City Bank, The Union Bank, The Louisiana State Bank, J. Marsh Denman, and N. Bedaulet. vs. William S. Partee, Sarah D. Partee, James D. Partee, Robert Bowman, Thomas A. Nelson, James Stewart, and F. Barksdale, Trustee for Nelson, Lamphier & Co.

Appeal from the Circuit Court of the United States for the Southern District of Mississippi.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of Mississippi, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court, in this cause, be, and the same is hereby, reversed with costs; And that this cause be, and the same is hereby, remanded to the said Circuit Court for further proceedings to be had therein in conformity with the opinion of this Court.

Dissenting: Per Mr. Justice Field.

184	The Northwestern University vs. Piff in Error — The People &c rel: Henry D. Miller, County Treasurer of Cook County.	In Error to the Supreme Court of the State of Illinois.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Illinois, and was argued by counsel. On consideration whereof, It is now here ordered & adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs; And that this cause be, and the same is hereby, remanded to the said Supreme Court, for further proceedings not inconsistent with the opinion of this Court.

per Mr. Justice Miller.

(Mr. Justice Strong was not present at the argument and took no part in the decision of this cause.)

176. The Town of Orleans vs. Pltff in Error — Nathan E. Platt.

In Error to the Circuit Court of the United States for the Northern District of New York.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Northern District of New York, and was argued by Counsel On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be, and the same is hereby affirmed with costs.

per Mr. Justice Swayne

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179. The United States vs. Pltff in Error Burton H. Ford, Nathan K. Cline, and James Conner.

In Error to the Circuit Court of the United States for the Northern District of Illinois.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Northern District of Illinois, and was argued by Counsel

On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court, in this cause, be, and the same is hereby, reversed; And that this cause be, and the same is hereby, remanded to the said Circuit Court for further proceedings to be had therein in conformity with the opinion of this Court.

per Mr. Justice Clifford.

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930. The United States vs. Riffin Burton M. Ford, Walter H. Oliver & James Conner

In Error to the Circuit Court of the United States for the Northern District of Illinois.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Northern District of Illinois, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court, in this cause, be, and the same is hereby, reversed; And that this cause be, and the

same is hereby, remanded to the said Circuit Court for further proceedings to be had therein in conformity with the opinion of this Court.

Per Mr. Justice Clifford.

The United States
v. } In Error to the Circuit Court of the
631 Piff in Error } United States for the
One Still and other property, } Northern District
Burton M. Ford, Walter } of Illinois.
H. Clive & James Conner, }
Claimants. }

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Northern District of Illinois, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court with directions to reverse the judgment of the District Court, and for further proceedings

to be had therein in conformity with the opinion of this Court.

per Mr. Justice Clifford.

The United States	In Error to the Cir-
132 v.	cuit Court of the
Fifty barrels of distilled	United States for the
spirits, Burton M. Ford,	Northern District
Willard N. Olived, and	of Illinois.
James Conner, Claimants.	

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Northern District of Illinois, and was argued by Counsel On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause, be, and the same is hereby, reversed; And that this cause be, and the same is hereby, remanded to the said Circuit Court with directions to reverse the judgment of the District Court and for further proceedings to be had therein in conformity with the opinion of this Court.

per Mr. Justice Clifford.

Monday, April 7th, 1879, Continued

(133)

The United States
vs.
Three hundred & nineteen barrels of Whisky &c Mother property, Joseph Nolle, Anton Junker and John P. Kissinger, claimants

In Error to the Circuit Court of the United States for the Northern District of Illinois.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Northern District of Illinois, and was argued by counsel On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be, and the same is hereby, reversed; And that this cause be, and the same is hereby, remanded to the said Circuit Court with directions to reverse the judgment of the District Court and for further proceedings to be had therein in conformity with the opinion of this Court.

per Mr. Justice Clifford

934. The United States vs. Iliff in Error
Two hundred barrels of distilled spirits, Joseph Roelle, Anton Junker, and John P. Kissinger, Claimants.

In Error to the Circuit Court of the United States for the Northern District of Illinois.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Northern District of Illinois, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court with directions to reverse the judgment of the District Court, and for further proceedings to be had therein in conformity with the opinion of this Court.

Per Mr. Justice Clifford.

Monday, April 7th, 1879, Continued

135	The United States vs. Peffin	In Error to the Circuit Court of the United States for the Northern District of Illinois
	Error Two hundred packages of distilled spirits, Roswell C. Meverson, Claimant	

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Northern District of Illinois, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court with directions to reverse the judgment of the District Court and for further proceedings to be had therein, in conformity with the opinion of this Court.

per Mr. Justice Clifford

775 The United States vs. Plff in Error One hundred & fifty barrels of Whisky, Joseph Koelle, Anton Junker & Jno. P. Kissinger, Claimants.	In Error to the Circuit Court of the United States for the Northern District of Illinois

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Northern District of Illinois, and was argued by counsel On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court, in this cause, be, and the same is hereby, reversed; And that this cause be, and the same is hereby, remanded to the said Circuit Court with directions to reverse the judgment of the District Court and for further proceedings to be had therein in conformity with the opinion of this Court.

per Mr. Justice Clifford

	Lafayette M. Flournoy, President of the Commercial Bank of Kentucky.	In Error to the Circuit Court of the United States for the District of Louisiana.
186.	vs. Pltff in Error	
	Alfred Lastrapes.	

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Louisiana, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause, be, and the same is hereby, affirmed with costs.

per Mr. Chief Justice Waite

	Rees Hanna	In Error to the Supreme Court of the State of California.
191.	vs. Pltff in Error	
	S. D. Young.	

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of California, and was argued by counsel. On consideration

whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court with instructions to reverse the judgment of the District Court and direct such further proceedings not inconsistent with the decision in Sherman vs. Buick as may appear to be necessary.

per Mr. Chief Justice Waite

202 Jacob M. Williams vs. Pliffin Error, Frank T. Howe Receiver of the First National Bank of New Orleans. | In Error to the Circuit Court of the United States for the District of Louisiana.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Louisiana, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that

the judgment of the said Circuit Court, in this cause, be, and the same is hereby, affirmed with costs and interest, until paid, at the same rate per annum that similar judgments bear in the Courts of the State of Louisiana.

Per Mr. Chief Justice Waite.

The Eastern Transportation Line.		In Error to the Supreme Court of the State of New York.
1084.	vs. Plaintiff in Error	
Hobart Cooper, Administrator &c. of Mary Ann Cooper, deceased.		

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of New York, being possessed of the record and proceedings upon a remittitur from the Court of Appeals of New York, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs and interest, until paid, at the same rate

per annum that similar judgments bear in the Courts of the State of New York.

per Mr. Chief Justice Waite.

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68 James H. Alvord et al, vs. Riffs in Error
The United States.

On consideration of the motion to rescind the decree of dismissal entered in this cause on the 21st of November last, and to reinstate the cause upon the docket. It is now here ordered by the Court that said motion be, and the same is hereby, denied.

per Mr. Chief Justice Waite.

Ex parte: In the matter of
The Commonwealth of Virginia
Petitioner
and
Ex parte: In the matter of
J. D. Coles.
Petitioner

On motion of Mr. James G. Field, Attorney General of Virginia, leave is hereby granted him to file petitions for writs of Habeas Corpus & Certiorari in these cases.

James McGinchey 226 vs. Plff in Error The United States	On motion of Mr. F. H. Hackett leave is hereby granted the Clerk to issue the Mandate in this cause.

Francis E. Hinckley, late Receiver &c. 317 vs. Appellant The Gilman, Clinton & Springfield Railroad Co.	On motion of Mr. Krekzinger, it is ordered that leave be granted him to withdraw from the files of this Court the transcript of record in this cause by leaving with the Clerk a receipt for the same.

Conrad N. Jordan, Henry Amy, John P. Crosby, Edward Livingston, Frederick P. James & N. A. Cowdrey, 1106 vs. Appellants A. S. Hewitt, John G. Stevens, Chas. H. Opdyke, Trustees &c., The Utica, Clinton & Binghampton R.R. Co. & The Rome & Clinton R.R. Co.	Mr. Ashbel Green, of counsel for the appellees, having filed and read in open court

the following certificate, to wit:

"Circuit Court of the United States
Southern District of New York.

Between

Abram S. Hewitt, John G. Stevens and Charles W. Opdyke, Trustees Complainants

and

The New York & Oswego Midland Railroad Company and others Defendants.

} In Equity.

I, John J. Davenport, Clerk of the Circuit Court of the United States for the Southern District of New York, do hereby certify that I find among the records of my office an order made in the said action by the said Circuit Court of the United States on the 11th day of June, 1875, a copy of which is hereunto annexed.

And I further certify that I also find among the records of my office, a Bond filed on the 14th day of July, 1875, and duly approved by the Honorable

Samuel Blatchford, Judge of said Circuit Court, a copy of which is also hereto annexed.

And I further certify that no order granting the appeal therein mentioned and no petition of appeal have been filed and no citation has been granted or issued on said appeal to the Supreme Court of the United States so far as appears by the records in my office nor is there on file in my office any citation or proof of service of any citation upon such appeal.

In Witness whereof, I have subscribed my name and have caused the seal of the said Court to be hereunto affixed this third day of April in the year of our Lord one thousand eight hundred and seventy-nine and of the Independence of the United States of America the one hundred and third.

(Seal)

John S. Davenport
Clerk.

Monday, April 7th, 879. Continued.

At a stated term of the Circuit Court of the United States within and for the Southern District of New York, in the second Circuit, held in the United States Court Rooms, number 41 Chambers Street, in the City of New York, on the 26th day of June, 1875.

Present

Honorable Samuel Blatchford

District Judge.

Abram S. Hewitt, Trustee.

vs.

The New York & Oswego Midland Railroad Company, and others.

John G. Stevens & others, Trustees

vs.

The New York & Oswego Midland Railroad Company, and others.

A petition having been presented by the Receivers praying the instructions of the Court as to the surrender of the lease of the Utica, Clinton & Binghampton Railroad, and of the lease of the Rome & Clinton Railroad, and after hearing Mr. Ashbel Green, of counsel for the Receivers, Mr. W. S. Opdyke,

of counsel for the N. Y. & O. M. R.R. Co., Mr. G. H. Owen, of counsel for the Delaware & Hudson Canal Company, Mr. O. S. Williams, of counsel for the Utica, Clinton & Binghampton Railroad Company, and Mr. A. W. Mills, of counsel for the Rome & Clinton Railroad Company, Mr. Benjamin A. Willis for persons claiming to be bondholders, and Mr. N. A. Cowdrey claiming to be a holder of bonds secured by the first mortgage of the N. Y. & O. Midland Railroad Company.

And the petition of A. D. Wacker, Charles G. Burke, and D. Collins and their associates having been presented and filed—

It is on this 24th day of June, 1875, Ordered that the Receivers do issue to the said Utica, Clinton & Binghampton Railroad Company, and the Rome & Clinton Railroad Company certificates for the amount of rentals becoming due on the 26th day of June, 1875, such certificates to be in the form provided by the former orders of this Court and to be signed by John G. Stevens as Receiver.

And the question of such instructions and of such surrender is hereby adjourned

until the 13th day of July, 875, at 12 o'clock M., without further notice.

Saml Blatchford.

Circuit Court of the United States of America for the Southern District of New York.

Abram S. Hewitt, John L. Stevens and Charles H. Updyke, Trustees &c Appellees

vs.

Conrad N. Jordan, Henry Amy, John P. Crosby, Edward Livingston, Frederick P. James, and Nathaniel A. Cowdrey, impleaded with the New York and Oswego Midland Railroad Co, & others - Appellants.

In Equity.

Know all men by these presents, that we, Conrad N. Jordan, Henry Amy, John P. Crosby, Edward Livingston, Frederick P. James, and Nathaniel A. Cowdrey, appellants above named, are held and firmly bound unto Abram S. Hewitt,

John G. Stevens, and Charles W. Opdyke, Trustees &c., and to the Utica, Clinton & Binghampton Railroad Company, and to the Rome & Clinton Railroad Company, and to each of them, in the sum of ten thousand dollars to be paid to the said obligees, their successors or assigns; for which payment well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents. Sealed with our seals and dated the 12th day of July, A. D. 1875.

Whereas the above named appellants have prosecuted an appeal to the Supreme Court of the United States from and to reverse and vacate a certain order or decree of the Circuit Court of the United States for the Southern District of New York made and entered and filed in a certain cause brought by said Trustees above named in said Circuit Court of the United States against The New York & Oswego Midland Railroad Company and others, in which cause said appellants above named and

others are defendants, which order or decree bears date June 24, 1875, and was duly filed on that day by which order the Receivers in said cause were ordered to issue to The Utica, Clinton & Binghampton Railroad Company and the Rome & Clinton Railroad Company, certificates for the amount of certain rentals therein specified becoming due on 26th day of June 1875.

Now therefore the condition of the above obligation is such that if the above named appellants and obligors shall prosecute the said appeal to effect and shall pay all damages for delay or otherwise and all costs which shall be awarded against them in case that the said orders or decree so appealed from be affirmed as to the said appellees, then this obligation to be void, otherwise to remain in full force and effect.

Signed, sealed and delivered in presence of Joseph Gutman Jr., as to all except John P. Cantine

(Sgd) C. N. Jordan (L.S.)
(Sgd) R. Arney (L.S.)
(Sgd) P. O. Jones (L.S.)
(Sgd) E. Livingston (L.S.)

Monday, April 7, 1879, continued

Lucius H. Howes to John P. Crosby. (Sgd) John P. Crosby (L.S.)
(Sgd) N. A. Cowdrey (L.S.)

United States of America
Southern District of New York } ss.

On this 12th day of July, 1875, before me appeared Conrad N. Jordan, Henry Amy, Edward Livingston, Frederick P. James, and Nathaniel A. Cowdrey to me known to be the individuals described in and who executed the within instrument and who severally acknowledged to me that they executed the same.

(Sgd) Joseph Stilman Jr.
United States Commissioner
S.D.N.Y.

United States of America
Southern District of New York } ss.

Nathaniel A. Cowdrey being duly sworn deposes and says: That he is a free holder in the City of New York and that he is worth the sum of Twenty thousand dollars ($20,000) over and above all his liabilities and property exempt from execution.

(Sgd) N. A. Cowdrey

Sworn to before this 8th
day of July, A.D. 1875.
(Sgd) Joseph Gutman Jr.
United States Commissioner
S.D.N.Y.

United States of America } ss.
Southern District of New York }

On this 8th day of July, 1875, before me appeared John P. Crosby to be known to be one of the individuals described in and who executed within and foregoing instrument and acknowledged that he executed the same.

Joseph Gutman Jr.
United States Commissioner
Southern District of New York

Endorsed: U.S. Circuit Court, S.D.N.Y. In Equity.
Abram S. Hewitt et al
Trustees &c, et al Appellees
vs.
Conrad N. Jordan et al, Appellants
Bond on appeal to the Supreme Court
of the United States.
C. H. Bangs
Solicitor for Appellants
[illegible] Broadway N.Y.

Bond approved July 14, 1875.
(Sgd) Stand J Hatchford
Filed July 14, 1875."

and having stated that the appellants had altogether failed to file the record of said cause in this Court, or in anyway to prosecute said appeal, now here moved the Court, in pursuance of the 6th. rule of this Court, to have this appeal docketed and dismissed; On consideration whereof, and on the consent of counsel for the appellants on file, It is now here ordered, adjudged, and decreed by this Court that this appeal from the Circuit Court of the United States for the Southern District of New York be, and the same is hereby, docketed and dismissed with costs; And that this cause be, and the same is hereby, remanded to the said Circuit Court to be proceeded in according to law and justice.

Per Mr. Chief Justice Waite.

1107.

Conrad N. Jordan and Henry Amy, Frederick B. James, N. H. Cowdrey, John C. Williams, Theodore Houston & Edward Livingston. vs. John G. Stevens, Abram S. Hewitt and C. W. Opdyke, Trustees, The New York & Oswego Midland R.R. Co., et al.

Appellants

Mr. Ashbel Green, of counsel for the appellees, having filed and read in open Court the following certificate, to wit:

"Circuit Court of the United States
Southern District of New York.
In Equity

Between
John G. Stevens, Abram S. Hewitt and Charles W. Opdyke, Trustees - Complainants
and
The New York & Oswego Midland Railroad Company and others - Defendants

In Equity

I, John J. Davenport, Clerk of the Circuit Court of the United States for the Southern District of New York, do hereby certify that Conrad N. Jordan, Henry

Amy, Frederick P. James, Nathaniel A. Cowdrey, John E. Williams, Theodore Houston, and Edward Livingston, defendants in the above entitled action prayed an appeal to the Supreme Court of the United States from so much of the decree made in the said action by the said Circuit Court of the United States on the second day of October, 1876, as aggrieved and injured the said Jordan, Amy, James, Cowdrey, Williams, Houston, and Livingston as claimed by them as stated in open Court at the foot of the said decree at the time of entering the said decree which appeal was not allowed.

And I further certify that the said Jordan, Amy, James, Cowdrey, Williams, Houston, and Livingston having applied to the Supreme Court of the United States for a writ of mandamus to the Judges of the Circuit Court of the United States for the Southern District of New York commanding them to allow the said appeal and said Supreme Court having on the 17th day of March, 1879, issued its peremptory writ of

mandamus commanding and enjoining the said Judges to allow such appeal as of the second day of October, 1876, and the said writ having been presented to the Hon. Samuel Blatchford, one of the Judges of the Circuit Court of the United States for the Southern District of New York, the said Judge thereupon allowed the said appeal pursuant to the command of the said writ as of the said 2d day of October, 1876.

And I further certify that the said appellants did on the 29th day of March, 1877, file the security upon such appeal required by law and duly approved by the said The Honorable Samuel Blatchford, Judge as aforesaid.

And I further certify that a citation under the hand of the said the Hon. Samuel Blatchford, Judge aforesaid, at the City of New York in the Southern District of New York was granted and issued on the 29th day of March, 1877, as of the second day of October, 1876, citing and requiring the parties complainant and defendant in the above entitled action and each of

thereon, to be and appear before the Supreme Court of the United States at the Capitol at the City of Washington on the second Monday of October, 1877, to duly receive what may pertain to justice to be done in the premises, a copy of which citation, with admissions of service thereon is hereunto annexed.

I therefore certify that upon the application of the said Conrad N. Jordan, Henry Amy, Frederick P. James, Nathaniel A. Cowdrey, John E. Williams, Theodore Houston, and Edward Livingston, Appellants aforesaid, an appeal in the above entitled cause was duly sued out and allowed on the 29th day of March, 1877, as of the second day of October, 1876.

In Witness whereof I have subscribed my name and have caused the seal of the said Court to be hereunto affixed this twenty-second day of March in the year of our Lord one thousand eight hundred and seventy-nine, and of the Independence of the United States of America.

(Seal)

the one hundred and third.

John F. Davenport
Clerk.

Circuit Court of the United States
Southern District of New York.
In Equity.

John J. Stevens, Abraham S. Hewitt and Charles H. Dyckman, Trustees &c., Complainants,
vs.
The New York & Oswego Midland Railroad Company et al., Defendants.

By the Honorable Samuel Blatchford, District Judge, as one of the Judges of the Circuit Court of the United States for the Southern District of New York.

To the parties plaintiff and defendant to the above entitled action, and each of them, Greeting:

Whereas Conrad N. Jordan, Henry Amy, Frederick P. James, Nathaniel H.

Cowdrey, John E. Williams, Theodore Houston and Edward Livingston, who are parties defendant in the above entitled action, duly prayed an appeal to the Supreme Court of the United States from so much of the decree made in said action by said Circuit Court of the United State, on the second day of October, 1876, as aggrieved and injured said Jordan, Amy, James, Cowdrey, Williams, Houston, and Livingston as claimed by them as stated in open Court at the foot of said decree at the time of entering said decree, which was not allowed, and whereas the said Jordan, Amy, James, Cowdrey, Williams, Houston, and Livingston thereupon applied to the Supreme Court of the United States for a writ of mandamus from said Supreme Court to the Judges of the said Circuit Court of the United States for the Southern District of New York, commanding them to allow the said appeal of said defendants from said decree as prayed by them; and thereupon such proceedings were had in said Supreme Court upon notice to said

Judges and after considering the reasons certified by them against the issuing of said writ, that on the 17th day of March, 1877, the said Supreme Court of the United States issued a peremptory writ of mandamus commanding and enjoining the said Judges to allow an appeal to the said Supreme Court from the decree aforesaid on behalf of said Conrad N. Jordan, Henry Amy, Frederick P. James, Edward Livingston, John C. Williams, Nathaniel H. Cowdrey, and Theodore Houston, as of the second day of October, 1876, and the said writ having been presented to the undersigned one of the Judges of the said Circuit Court of the United States for the Southern District of New York, and the said appeal having been thereupon allowed pursuant to the command of the said writ; and the said appellants having duly given and filed the security upon such appeal required by law, duly approved by me,

You, and each of you, are hereby cited and required to be and appear

before the Supreme Court of the United States at the Capitol, in the City of Washington, on the second Monday of October next, to do and receive what may pertain to justice to be done in the premises -

Given under my hand, at the City of New York, in the Southern District of New York the twenty-ninth day of March, 1877, as of the second day of October, 1876.

Saml Blatchford -

Endorsed:
Circuit Court of the U.S. Southern District of New York - In Equity - John G. Stevens et al, Trustees &c, Complainants, vs. The New York & Oswego Midland Railroad Company et al, Defendants - Citation on appeal - C. N. Bangs, Solicitor for appellants - Due service of a copy of the within citation is hereby admitted. N.Y. March 30, 1877. Wm. S. Opdyke, Atty for R.R. deft - Alexander & Green, Sol's for Complts. Filed March 31, 1877, John J. Davenport. Clk - Service of a copy of within citation is hereby admitted - N.Y. April 4th, 77. Benjamin A. Willis, Sol. for A. D. Mather et - Geo. H.

Fletcher, Solr for Passaic Zinc Co., 170 Broadway. C. C. Leed, Solr for N. C. Winfield - Chas. A. Winfield, Solr for Middletown N. & N. G. R.R. Co. Davies, Work, McNamee & Hilton, Solrs defts Williams & Houston, Trustees. Fullerton, Knox & Crosby, Solrs for defts - Beyer &c - Owen & Gray, Solrs for Del. & Hud. Canal Co - McDaniel, Lummis & Souther, Solrs for A. & P. Tel. Co. - J. S. Lawrence, Solr for Mercantile Trust Co.

A copy

John J. Davenport
Clerk."

and having stated that the appellants had altogether failed to file the record of said cause in this Court, or in anyway to prosecute said appeal; now here moved the Court, in pursuance of the 9th Rule of this Court, to have this appeal docketed and dismissed - On consideration whereof and on the consent of counsel for the appellants on file, It is now here ordered, adjudged and decreed by this Court that this appeal from the Circuit Court of the United States for the Southern District of New -

for & be, and the same is hereby, docketed and dismissed with costs; And that this cause be, and the same is hereby, remanded to the said Circuit Court to be proceeded in according to law and justice.

per Mr. Chief Justice Waite

Conrad N. Jordan et al.
1106 vs. Appellants
Abram S. Hewitt et al.
And
Conrad N. Jordan et al.
1107 vs. Appellants
John S. Stevens et al.

On motion of Mr. Ashbel Green it is ordered that leave be granted the Clerk to issue Mandates in these cases.

The Richmond Mining Company et al.
656 &c. vs. Appellants
The Eureka Consolidated Mining Co.

On motion of Mr. P. Phillips it is ordered that the motion for injunction in these cases be postponed until Monday next the 14th instant. Leave granted Mr. Crittenden

to withdraw the affidavit of Read on said motion for the purpose of printing the same.

	Hiram Rogers	The motions in these
1037	vs. Appellant	cases were submitted
	Robert Reade	to the consideration
	and	of the Court on print-
	Hiram Rogers	ed arguments by
1038	vs. Appellant	Mr. Geo. L. Otis and
	Robert Reade	Mr. Charles King,

in support of the motion to dismiss and in opposition to the motion for Writ of Certiorari, and by Mr. N. Wilson and Mr. J. H. Ashton, in opposition to the motion to dismiss and in support of the motion for Writ of Certiorari. Whereupon this Court not being now here sufficiently advised of and concerning what order to render in the premises took time to consider.

	Charles H. Holden	Mr. F. J. Durant, in
967	vs. Appellant	behalf of Counsel,
	The Freedmans Savings	having filed and
	and Trust Company.	read in open

Court a suggestion of a diminution of the record in this cause in the words and figures following, to wit:

"That the transcript does not contain a copy of the trust deed an appointment under which this bill was brought to obtain. Also the transcript (see p. 4 of the printed copy) shows that in the original the defendant Chester put in a plea, but said plea nowhere appears in the transcript."

By reason of which omissions and errors aforesaid the said Counsel now here moved the Court to award a Writ of Certiorari to be directed to the Judges of the Supreme Court of the District of Columbia commanding them that searching the record and proceedings of said Court in this cause they shall certify to this Court under the seal of the said Supreme Court whatever omissions and errors shall be found - On consideration whereof, and on the stipulation of Counsel, It is now here ordered, adjudged, and decreed by this Court that a writ of Certiorari be,

and the same is hereby, awarded to be issued forthwith and to be directed to the Judges of the Supreme Court of the District of Columbia commanding them that searching the records and proceedings aforesaid they forthwith certify to this Court under the seal of the said Supreme Court whatever omissions and errors shall be found in this cause and return the same with the said writ of Certiorari forthwith to this Court.

Per Mr. Chief Justice Waite

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216 — The United States vs. Plaintiff, Chas. A. Germaine

This cause was argued by Mr. T. B. Reed, of counsel for the defendant, and submitted on printed argument by Mr. Assistant Attorney General Smith, of counsel for the plaintiff.

Monday, April 7th, 1879. Continued.

217 The Germania National Bank of New Orleans et al. vs. Frank F. Case, Receiver &c. Appellants

This cause was argued by Mr. F. J. Durant, of counsel for the appellants, and by Mr. Charles Case, of counsel for the appellee.

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218 George F. Harding vs. Timothy Brown. Plff in Error

This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. Edward Roby, of counsel for the plaintiff in error, and by Mr. D. K. Tenney, of counsel for the defendant in error.

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Tuesday, April 5, 1879.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Morrison R. Waite, Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan
} Associate Justices

John G. Nicolay, Esquire, Marshal.
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened.

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231. Samuel Pasco & Margaret M. May, Executor & Executrix of Asa May, deceased. vs. Andrew M. Soan. Appellants

On motion of Mr. S. F. Phillips it is ordered that the appearance of Samuel Pasco, Executor, and Margaret M. May, Executrix, of Asa May, deceased, entered as appellants in this cause on the 4th day of March in place of

said Asa May, deceased, be, and the same is hereby withdrawn.

The People Ex rel: The Pacific Mail S. S. Co. vs. The Commissioners of Taxes & Assessments for the City & County of San Fran.	On motion of Mr. Stetson, it is ordered that this cause be passed pursuant to section 7, Rule 26, on account of sickness of counsel, and consent.

2228

The Sutro Tunnel Co., Adolph Sutro, Henry K. Mitchell, Louis Janin Jr., William M. Stewart. vs. The Savage Mining Co.	Appeal from the Circuit Court of the United States for the District of California.

595

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of California, and on the motion of Mr. J. M. Wilson, of counsel for the appellants, It is now here ordered, adjudged and decreed by this Court that this appeal

be, and the same is hereby, dismissed with costs.

Per Mr. Chief Justice Waite

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219. Henry O. Harkness vs. Plff in Error / Jordan N. Hyde.

This cause was argued by Mr. Geo. H. Williams of counsel for the plaintiff in error, and by Mr. R. S. Lowe, for the defendant in error.

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221. Palmer C. Smith et al, Administrators vs. Appellants / J. C. Ayer et al

The argument of this cause was commenced by Mr. A. G. Miller, of counsel for the appellants, and continued by Mr. W. C. Goudy, of counsel for the appellees.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Wednesday, April 9th, 1879.

Pursuant to adjournment the Court met to day at the Capitol.

Present

The Honorable Morrison R. Waite, Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan
Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Matt H. Carpenter it is ordered that George McWhorter, Esquire, of Milwaukee, State of Wisconsin, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. W. F. Sapp it is ordered that Moses A. McCoid, Esquire, of Fairfield, State of Iowa, and Calvin Cowgill, Esquire, of Wabash, State of Indiana, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

Samuel Pusey, Executor & Margaret M. May, Executrix, of Asa May, dec'd
231. vs. Appellants
Andrew McSloan

On motion of Mr. C. A. West, of counsel for the appellees, it is ordered that the order entered on the 8th instant granting leave to Samuel Pusey, Executor, and Margaret M. May, Executrix, of Asa May, deceased, to withdraw their appearances as appellants in this cause be, and the same is hereby, rescinded.

Samuel Pusey, Executor & Margaret M. May, Executrix of Asa May, deceased
231. vs. Appellants
Andrew McSloan

Mr. C. A. West suggested the bankruptcy of Andrew McSloan, the appellee in this cause, and

moved the Court for leave to enter the appearance of Lepine C. Rice, Assignee of the said Andrew M. Sloan - Whereupon it is ordered that Lepine C. Rice, Assignee in bankruptcy of the said Andrew M. Sloan be entered and made the party appellee in this cause.

Samuel Pasco, Executor & Margaret M. May, Executrix of Asa May, deceased.
221. vs. Appellants
Lepine C. Rice, Assignee in bankruptcy of Andrew M. Sloan.

On motion of Mr. S. F. Phillips it is ordered that the appearance of Elliott M. May, Executor, and Carrie M. May, Asa May, Sue F. May & Robert E. L. May, infants who appear by their trustee & guardian be entered as co-appellants in this cause.

Pelham C. Smith et al, Administrators &c.
221. vs. Appellants
J. C. Ayer et al

The argument of this cause was continued by Mr. N. C. Gordy, of counsel for the

appellees, and conclusion by Mr. T. J. Frost, for the appellants.

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222. P. C. Smith et al Administrators &c. vs. The First National Bank of Heathorn Mass

Appellants

This cause was submitted to the consideration of the Court on the record, and printed arguments by Mr. T. J. Frost, Mr. N. G. Miller, & Mr. P. C. Smith, of counsel for the appellants, and by Mr. C. C. Bonney, of counsel for the appellee.

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223. Franklin C. Smith vs. The Fort Scott, Humboldt, & Western R. R. Co.

Appellant,

This cause was argued by Mr. T. J. Frost, of counsel for the appellant, and submitted on printed argument by Mr. J. E. McKeighan, of counsel for the appellee.

Wednesday, April 9, 1879, continued

Jacob Maginnis
224 vs. Appeal from
Arthur A. Maginnis
et al.

Mr. F. P. Durant suggested the death of Arthur A. Maginnis, one of the appellees in this cause, and moved the Court for leave to enter the appearance of Elizabeth Jane Armstrong, widow and Executrix of the said Arthur A. Maginnis, deceased, as a party appellee in this cause in place of said Maginnis, deceased. Whereupon, It is now here ordered by the Court that the appearance of Elizabeth Jane Armstrong, widow and Executrix of Arthur A. Maginnis, deceased, as aforesaid, be entered and made a party appellee in this cause in his place, with liberty to resist this appeal.

224 Jacob Mufsina vs. Appellant
Elizabeth Jane Armstrong, widow and Executrix of Arthur A. Maginnis, dec'd, et al.

The argument of this cause was commenced by Mr. Simon Mufsina, of counsel for the appellant, and continued by Mr. J. J. Durant, of counsel for the appellee

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Thursday, April 10, 1879.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Morrison R. Waite, Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan
Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. C. N. West it is ordered that Robert D. Morrison, Esquire, of Baltimore, State of Maryland, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

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224 Jacob Mussina vs. Elizabeth Jane Armstrong, widow and Executrix of Arthur J. Maginnis, dec'd, et al. Appellant

The argument of this cause was concluded by Mr. S. Mussina, of counsel for the appellant.

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225 Warner Van Norden vs. Levi P. Morton et al Appellant

This cause was argued by Mr. T. J. Durant, of counsel for the appellant, and submitted on printed argument by Mr. Jno. A. Campbell, of counsel for the appellee.

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226 The Massachusetts Mutual Life Insurance Co. vs. Robert Middleton Plff in Error

This cause was argued by Mr. Ward Hunt Jr., of counsel for the plaintiff in error, and by Mr. Roscoe Conkling, of counsel for the defendant in error.

The New York Central & Hudson River R.R. Co.
230. vs. Pfff in Error
Olga De Malutin Pfaloff.

The argument of this cause was commenced by Mr. E. F. Shepard, of counsel for the plaintiff in error.

Proclamation being made the Court is adjourned until Monday next at twelve o'clock.

Monday, April 14, 1879.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Morrison R. Waite, Chief Justice

Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan
} Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened

On motion first made to the Court in this behalf by Mr. Attorney General Devens it is ordered that Mark D. Brainard, Esquire, of Montgomery, State of Alabama, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. P. E. Dyer it is ordered that Jos. S. Fowler, Esquire, of Nashville, State of Tennessee, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

1777 The Town of Brooklyn Plff in Error
vs.
The Aetna Life Insurance Company.

In Error to the Circuit Court of the United States for the Northern District of Illinois.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Northern District of Illinois, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court, in this cause be, and the same is hereby, affirmed with costs and interest, until paid, at the same rate per annum that similar judgments bear in the Courts of the State of Illinois.

Per Mr. Justice Harlan

David A. Barrow, Administrator of Ferdinand M. Goodrich, deceased.	Appeal from the Circuit Court of the United States for the District of Louisiana.
201. vs. Appellant,	
Logan S. Hunton.	

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Louisiana, and was argued by Counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court with directions to remand the cause to the State Court from which it was removed.

Per Mr. Justice Bradley.

The New Orleans Canal and Banking Company vs. Pliff in Error The City of New Orleans.	In Error to the Supreme Court of the State of Louisiana.

520.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Louisiana, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Bradley.

The United States Exrel: Alexander McLeod vs. Pliff in Error John Sherman, Secretary of the Treasury.	In Error to the Supreme Court of the District of Columbia.

843.

This cause came on to be heard on the transcript of the record from the Supreme Court of the District of Columbia, and was argued by Counsel. On consideration whereof,

It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

per Mr. Justice Strong.

The Board of Supervisors of Calhoun County vs. Pliff in Error
W. B. Galbraith.

In Error to the District Court of the United States for the Northern District of Mississippi.

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of Mississippi, and was argued by Counsel.

On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said District Court, in this cause, be, and the same is hereby, affirmed with costs and interest, until paid, at the same rate per annum that sim-

ular judgments bear in the Courts of the State of Mississippi.

per Mr. Justice Swayne

Dissenting:
Mr. Justice Miller
" " Bradley
" " Harlan

1941 | John W. Deuse vs. Kiffin Rockhill Rogers | In Error to the Circuit Court of the United States for the District of Minnesota.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Minnesota, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause, be, and the same is hereby, affirmed with costs and interest, until paid, at the same rate per annum that similar judgments bear in the Courts of the State of Minnesota.

per Mr. Justice Swayne

Monday, April 14, 1879, continued.

The Wheeling, Parkersburg, & Cincinnati Transportation Company.	In Error to the Supreme Court of Appeals of the State of West Virginia.
203. vs.	
The City of Wheeling.	

This cause came on to be heard on the transcript of the record from the Supreme Court of Appeals of the State of West Virginia, and was argued by counsel On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court of Appeals in this cause, be, and the same is hereby affirmed with costs.

Per Mr. Justice Clifford.

The Washington & Georgetown Railroad Company.	In Error to the Supreme Court of the District of Columbia.
198. vs.	
George W. Varnell.	

This cause came on to be heard on the transcript of the record from the Supreme Court of the District of Columbia, and was argued

by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Clifford.

Samuel Stringfellow, George Stringfellow, William Jennings, and George Q. Cannon, Brigham Young, & Albert Carrington, Executors of Brigham Young dec'd. | Appeal from the Supreme Court of the Territory of Utah.

181. vs. Appellants

Joseph M. Cain, Elizabeth Cain, Charles Crismon and Elizabeth S. Crismon.

This cause came on to be heard on the transcript of the record from the Supreme Court of the Territory of Utah, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Supreme Court, in this cause, be, and the same is hereby, reversed; and

that this cause be, and the same is hereby, remanded to the said Supreme Court with instructions -

1. To enter, or cause to be entered in the proper court, a judgment in favor of George Stringfellow and Samuel Stringfellow for that part of the lot purchased by them, or one of them, at the administrators sale.

2. To enter, or cause to be entered, a judgment in favor of the appellees, according to their respective interests under their inheritance from Joseph Cain, for that part of the South half of the premises in controversy not sold to Stringfellow & King, and dismissing their claims as to all the rest and residue of the lot.

3. To rehear the case upon the evidence sent up from the District Court in respect to the claims of Jennings and Young as against the corporate authorities of Salt Lake City and decide according to the justice of the case.

The appellees are ordered to

by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Clifford.

Samuel Stringfellow, George Stringfellow, William Jennings, and George L. Cannon, Brigham Young, & Albert Carrington, Executors of Brigham Young dec'd. | Appeal from the Supreme Court of the Territory of Utah.

181. vs. Appellants

Joseph M. Cain, Elizabeth Cain, Charles Crismon and Elizabeth S. Crismon.

This cause came on to be heard on the transcript of the record from the Supreme Court of the Territory of Utah, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged and decreed by this Court that the decree of the said Supreme Court, in this cause, be, and the same is hereby, reversed; and

that this cause be, and the same is hereby, remanded to the said Supreme Court with instructions:-

1. To enter, or cause to be entered in the proper Court, a judgment in favor of George Stringfellow and Samuel Stringfellow for that part of the lot purchased by them, or one of them, at the administrators sale.

2. To enter, or cause to be entered, a judgment in favor of the appellees, according to their respective interests under their inheritance from Joseph Cain, for that part of the South half of the premises in controversy not sold to Stringfellow & King, and dismissing their claim as to all the rest and residue of the lot.

3. To rehear the case upon the evidence sent up from the District Court in respect to the claims of Jennings and Young as against the Corporate authorities of Salt Lake City and decide according to the justice of the case.

The appellees are ordered to

pay the costs of this appeal.

per Mr. Chief Justice Waite

(Mr. Justice Strong did not sit in this case.)

Samuel Stringfellow, George Stringfellow, William Jennings, George Q. Cannon, Brigham Young & Albert Carrington Executors of Brigham Young, dec'd. vs. Plffs in Error

182

Joseph M. Cain Elizabeth Cain, Charles Crismon and Elizabeth S. Crismon.

In Error to the Supreme Court of the Territory of Utah.

This cause came on to be heard on the transcript of the record from the Supreme Court of the Territory of Utah, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed with costs.

per Mr. Chief Justice Waite

Hall Ayer & Company and The Union Car Spring Manufacturing Com- pany, Intervenors. 213. vs. Appellants Charles L. Frost, Trustee	Appeal from the Circuit Court of the United States for the District of Iowa.

This cause came on to be heard on the tran-
script of the record from the Circuit Court
of the United States for the District of Iowa,
and was argued by counsel. On con-
sideration whereof, It is now here or-
dered, adjudged, and decreed by this
Court that the decree of the said Cir-
cuit Court, in this cause, be, and the
same is hereby, reversed with costs;
And that this cause be, and the same
is hereby, remanded to the said Circuit
Court with instructions to enter decrees
in favor of the appellants for the amount
due them, respectively, from the funds
in Court upon the principles settled
by the answers which are given to the
questions certified.

Per Mr. Chief Justice Waite

The Baltimore & Potomac Railroad Company, Plff in Error vs. James H. Grant.	In Error to the Supreme Court of the District of Columbia.

196.

This cause came on to be heard on the transcript of the record from the Supreme Court of the District of Columbia, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed. Each party paying their own costs.

per Mr. Chief Justice Waite.

Alexander K. Shepherd and Lloyd N. Emmart & Lewis Clephane, his sureties, Plffs in Error vs. John R. Bond, Thomas C. Bond & Jared Towne, as Bond, Bro. & Company.	In Error to the Supreme Court of the District of Columbia.

866.

This cause came on to be heard on the transcript of the record from the Supreme Court

of the District of Columbia and on the motion to dismiss which was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed. Each party paying their own costs.

per Mr. Chief Justice Waite

Alexander R. Shepherd and Lewis Clephane his surety vs. Plff in Error.	In Error to the Supreme Court of the District of Columbia
567 John R. Bond, Thomas C. Bond & Jacob Bond, as Bond Bro. & Co.	

This cause came on to be heard on the transcript of the record from the Supreme Court of the District of Columbia and on the motion to dismiss which was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed. Each party paying their own costs.

per Mr. Chief Justice Waite

The Baltimore & Potomac Railroad Company,	In Error to the Supreme Court of the District of Columbia.
678. vs. Hoff in Error, William L. Marmion, Trustee.	

This cause came on to be heard on the transcript of the record from the Supreme Court of the District of Columbia and on the motion to dismiss which was argued by counsel— On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed— Each party paying their own costs.

per Mr Chief Justice Waite—

The Washington & Georgetown Railroad Company,	In Error to the Supreme Court of the District of Columbia.
334. vs. Hoff in Error Oscar J. Conover	

This cause came on to be heard on the transcript of the record from the Supreme Court of the District of Columbia, and on the motion to dismiss which was argued by counsel—

On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed - Each party paying their own costs.

Per Mr. Chief Justice Taney

Stanley C. Brillon, Surv'g partner of the firm of Brillon & Koontz, and Mary E. Koontz &c. vs. The Police Jury of the Parish of Concordia.

1118 Appeal in Error to the Circuit Court of the United States for the District of Louisiana

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Louisiana, and was argued by Counsel. On consideration whereof, the Court being equally divided in opinion, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court, in this cause, be, and the same is hereby, affirmed with cost

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226.	The Massachusetts Mutual Life Insurance Company vs. Robert Middleton.	In Error to the Circuit Court of the United States for the Southern District of New York.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of New York, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause, be, and the same is hereby, affirmed with costs and interest, until paid, at the same rate per annum that similar judgments bear in the Courts of the State of New York.

per Mr. Chief Justice Waite

218	George F. Harding vs. Timothy Brown	In Error to the Circuit Court of the United States for the Northern District

of Illinois.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Northern District of Illinois, and was argued by counsel. On consideration whereof, it is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause, be, and the same is hereby, affirmed, with costs and five hundred dollars damages in addition to interest from the date of the judgment below, until paid, at the same rate per annum that similar judgments bear in the Courts of the State of Illinois.

Per Mr. Chief Justice Taney

1037. Hiram Rogers, Appellant vs. Robert Reades

And

1038. Hiram Rogers, Appellant vs. Robert Reades

On consideration of the motions to dismiss the appeals or affirm the decrees in these cases, it is ordered that said motions be, and the same are hereby, denied

The Delaware Railroad Construction Company et al.
209. vs. Appellants to
Lewis H. Meyer and William Dennison, Trustees.

The Delaware Railroad Construction Company
210. vs. Appellant
Lewis H. Meyer & William Dennison, Trustees.
And
Lewis H. Meyer & William Dennison, Trustees -
500. vs. Plffs in Error.
The Delaware Railroad Construction Company.

These cases require us to give a construction to the act of March 3d, 1875, 18 Stat. 470, regulating the removal of causes from the State Courts. The questions involved are so important and are likely to affect so many pending suits that we have concluded to order a re-argument at the next term when 209 is reached in the regular call of the docket. Counsel in cases pending in this Court, or in the Circuit Courts, in which the construction of this Statute is involved, may file printed briefs in these cases on condition that thirty copies

are handed to the Clerk of this Court on or before the first day of October next. When briefs are filed it shall be the duty of the Clerk to furnish each of the counsel in these cases with a copy. Our object in making this order is to give counsel engaged in causes that may come here for consideration upon the questions involved in these cases full opportunity to present their views.

per Mr. Chief Justice Waite

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180. George Reynolds vs. Piff in Error. The United States

Ordered that the Attorney General have leave until Monday next to file a printed brief in opposition to the last point made by this motion, to wit: that which relates to so much of the sentence pronounced as requires the imprisonment to be at hard labor.

per Mr Chief Justice Waite

The Chief Justice announced that the Court would stop the call of the docket for the present term on the 25th instant.

Ex parte: The Commonwealth of Virginia.
11. Original. Petitioners

Ex parte: The Commonwealth of Virginia and Ex parte: J. D. Coles
5 Original. Petitioners

and

The State of Tennessee
1085 vs. Plaintiff,
James M. Davis.

On motion of Mr. Attorney General Devens, with the consent of opposing counsel, it is ordered that these cases be re-assigned for argument on the first Tuesday of the next term to have priority over all other cases assigned for that day.

636. The Richmond Mining Company vs. The Eureka Consolidated Mining Co. Appellant,

637. Same, Appt. vs. Same

638 Same, Piffin Exor, vs Same

} The motion for supersedeas or injunction in these cases was submitted to the consideration of the Court on printed arguments by Mr. Thos. Howard and Mr. P. Phillips, in support of the same, and by Mr. H. J. Thornton, in opposition thereto.

Ex parte: The Commonwealth of Virginia.

H. Original - Petitioner

On motion of Mr. J. T. Field, Attorney General of Virginia, leave is hereby granted him to file replication and addition to record in this cause.

Mary F. Leiter and Levi Z. Leiter impleaded with Elvira C. Badger and Stephen C. Badger.
1873. vs. Appellants.
James Eddy.

Appeal from the Circuit Court of the United States for the Northern District of Illinois.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Northern District of Illinois, and on motion of Mr. C. F. Peck, in behalf of counsel for the appellants, It is now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed with costs.

per Mr. Chief Justice Waite

William McBurney et al.
1880. vs. Appellants
Caroline Carson.

On motion of Mr. James Lowndes, leave is hereby granted the Clerk to issue the Mandate in this cause.

1063. The United States, Plaintiff, vs. Emil Steffens

On motion of Mr. Asst Attorney General Smith it is ordered that this cause be advanced and assigned for argument on the first Tuesday of the next term.

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719. Henry E. Muhlenberg, Collector of Internal Revenue, & Thomas A. Riley, Deputy Collector. vs. Plffs in Error, The Reading & Columbia Railroad Company.

In Error to the Circuit Court of the United States for the Eastern District of Pennsylvania.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Pennsylvania, and on the authority of the decision in Elliot, Collector, vs. The East Pennsylvania Railroad Company, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause, be, and the same is hereby, affirmed with costs and interest, until paid, at the same rate per annum

that similar judgments bear in the Courts of the State of Pennsylvania.

per Mr. Chief Justice Waite.

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720. William J. Pollock, Collector of Internal Revenue. vs. Plff in Error. The Philadelphia, Wilmington & Baltimore Railroad Co.

In Error to the Circuit Court of the United States for the Eastern District of Pennsylvania.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Pennsylvania, and on the authority of the decision in Elliot, Collector, vs. The East Pennsylvania Railroad Company, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be, and the same is hereby, affirmed with costs and interest, until paid, at the same rate per annum that similar judgments bear in the Courts of the State of Pennsylvania.

per Mr. Chief Justice Waite.

William J. Pollock, Collector of Internal Revenue.
vs. Plaintiff in Error
The Philadelphia, Wilmington & Baltimore Railroad Co.

In Error to the Circuit Court of the United States for the Eastern District of Pennsylvania.

791.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Pennsylvania, and on the authority of the decision in Elliot, Collector, vs. The East Pennsylvania Railroad Company, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court, in this cause, be, and the same is hereby, affirmed with costs and interest, until paid, at the same rate per annum that similar judgments bear in the Courts of the State of Pennsylvania.

Per Mr. Chief Justice Waite.

William J. Pollock, Collector of Internal Revenue.
vs.
The Philadelphia, Wilmington & Baltimore Railroad Co.

In Error to the Circuit Court of the United States for the Eastern District of Pennsylvania.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Pennsylvania, and on the authority of the decision in Elliot, Collector, vs. The East Pennsylvania Railroad Company, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court, in this cause, be, and the same is hereby, affirmed with costs and interest, until paid, at the same rate per annum that similar judgments bear in the Courts of the State of Pennsylvania.

Per Mr. Chief Justice Waite

723. William B. Elliot, Collector of Internal Revenue. vs. Pltff in Error
The Catawissa Railroad Company.

In Error to the Circuit Court of the United States for the Eastern District of Pennsylvania.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Pennsylvania, and on the authority of the decision in Elliot, Collector, vs. The East Pennsylvania Railroad Company, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be, and the same is hereby, affirmed with costs and interest, until paid, at the same rate per annum that similar judgments bear in the Courts of the State of Pennsylvania.

per Mr Chief Justice Waite

William D. Elliot, Collector of Internal Revenue.
vs.
The Philadelphia, Germantown & Norristown R.R. Co.

In Error to the Circuit Court of the United States for the Eastern District of Pennsylvania.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Pennsylvania, and on the authority of the decision in Elliot, Collector, vs. The East Pennsylvania Railroad Company, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause, be, and the same is hereby, affirmed, with costs and interest, until paid, at the same rate per annum that similar judgments bear in the Courts of the State of Pennsylvania.

per Mr. Chief Justice Waite.

William B. Elliot, Collector of Internal Revenue
vs. Pltff in Error
The East Mahanoy Railroad Company.

No. 126.

In Error to the Circuit Court of the United States for the Eastern District of Pennsylvania

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Pennsylvania, and on the authority of the decision in Elliot, Collector vs. The East Pennsylvania Railroad Company, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause, be, and the same is hereby affirmed with costs and interest, until paid, at the same rate per annum that similar judgments bear in the Courts of the State of Pennsylvania.

Per Mr Chief Justice Waite

[72]

William D. Elliot, Collector of Internal Revenue, vs. Piff in Error
The Huntingdon & Broad Top Mountain Railroad Company.

In Error to the Circuit Court of the United States for the Eastern District of Pennsylvania

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Pennsylvania, and on the authority of the decision in Elliot, Collector, vs. The East Pennsylvania Railroad Company, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be, and the same is hereby, affirmed with costs and interest until paid, at the same rate per annum that similar judgments bear in the Courts of the State of Pennsylvania.

per Mr. Chief Justice Waite

William B. Elliot, Collector of Internal Revenue.
vs. Plff in Error,
The Philadelphia & Reading Railroad Company.

In Error to the Circuit Court of the United States for the Eastern District of Pennsylvania.

198.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Pennsylvania, and on the authority of the decision in Elliot, Collector, vs. The East Pennsylvania Railroad Company, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court, in this cause, be, and the same is hereby, affirmed with costs and interest, until paid, at the same rate per annum that similar judgments bear in the Courts of the State of Pennsylvania.

per Mr. Chief Justice Chase.

1319. William D. Elliot, Collector of Internal Revenue vs. Pliffin Error to the Philadelphia & Reading Railroad Company. } In Error to the Circuit Court of the United States for the Eastern District of Pennsylvania.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Pennsylvania, and on the authority of the decision in Elliot, Collector, vs. The East Pennsylvania Railroad Company, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be, and the same is hereby affirmed with costs and interest until paid, at the same rate per annum that similar judgments bear in the Courts of the State of Pennsylvania.

Per Mr. Chief Justice Waite

730 William D. Elliot, Collector of Internal Revenue. vs. The Philadelphia & Reading Railroad Company. | In Error to the Circuit Court of the United States for the Eastern District of Pennsylvania.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Pennsylvania, and on the authority of the decision in Elliot, Collector, vs. The East Pennsylvania Railroad Company. It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause, be, and the same is hereby, affirmed with costs and interest, until paid, at the same rate per annum that similar judgments bear in the Courts of the State of Pennsylvania.

Per Mr. Chief Justice Waite.

731

William S. Elliot, Collector of Internal Revenue.
vs. Plff in Error —
The Philadelphia & Reading Railroad Company.

In Error to the Circuit Court of the United States for the Eastern District of Pennsylvania.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Pennsylvania, and on the authority of the decision in Elliot, Collector, vs. The East Pennsylvania Railroad Company, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause, be, and the same is hereby, affirmed with costs and interest, until paid, at the same rate per annum that similar judgments bear in the Courts of the State of Pennsylvania.

per Mr. Chief Justice Waite.

The U.S. Exrel: Morris Ranger
150. vs. Plff in Error
The City of New Orleans
And
The United States Exrel:
Charles Parsons
157. vs. Plff in Error
C. J. Leeds, Mayor &c

Mr. E. B. Smith moved the Court for leave to the Clerk to issue the Mandates in these cases. Whereupon this Court not being now fully advised of and concerning what order to render in the premises took time to consider.

The American Emigrant Company
85. vs. Appellant
The County of Adams

On motion of Mr. B. F. Butler it is ordered that the Mandate be withheld in this case for the present.

Emerson G. Orvis
35. vs. Appellant
Nathan Powell

The motion for a writ of Certiorari in this cause was argued by Mr. B. F. Butler in support of the same. Whereupon this

Court not being now fully and sufficiently advised of and concerning what order to render in the premises took time to consider.

756	Henry Meyer et al vs. James E. Dewey et al.	Plff in Error	The motions to dismiss the writ of error or affirm the judgment in this cause were submitted to the consideration of the Court on the record and printed arguments by Mr. James E. Dewey, in support of the same, and by Mr. Matthew Hale, in opposition thereto.

655	Milton J. Hardy vs. Charles L. Moorman	Appellant	The motion to dismiss this cause was submitted to the consideration of the Court on printed arguments by Mr. A. E. Wilson, in support of the same, and by Mr. F. A. Bangs in opposition thereto.

1112. Henry A. Tilden vs. Appellant
Jesse M. Batlle, Cullen A. Batlle and Sidney S. Blackwell

Mr. Fillmore Beall, of counsel for the appellees, having filed and read in open Court the following certificate, to-wit:

"United States of America } ss.
Eastern District of Missouri }

Henry A. Tilden
vs. Complainant
Jesse M. Batlle, Cullen A. Batlle and Sidney S. Blackwell. Defendants

I, M. M. Price, Clerk of the Circuit Court of the United States for the Eastern District of Missouri do hereby certify that in a cause pending in said Court wherein Henry A. Tilden was complainant, and Jesse M. Batlle, Cullen A. Batlle, and Sidney S. Blackwell were defendants, a decree was entered in said cause on the 8th day of January A. D. 1878, in favor of the said

defendants, Jesse M. Battle, Cullen A. Battle, and Sidney S. Bluckwell and against the said complainant, Henry A. Tilden.

Whereupon the said Henry A. Tilden prayed an appeal from said decree to the Supreme Court of the United States which was allowed on the 28th day of January, A.D. 1878, and bond approved on the 11th day of March A.D. 1878.

In witness whereof I hereunto subscribe my name and affix the seal of said Court at office in the City of St. Louis in said District this 19th day of February in the year of our Lord eighteen hundred and seventy-nine.

(Seal)

M. M. Price
Clerk aforesaid."

and having stated that the appellant had altogether failed to file the record of said cause in this Court or in any way to prosecute said appeal, now here moved the Court, in pursuance of the 9th Rule of this Court, to have this appeal docketed and dis-

missed. On consideration whereof, it is now here ordered, adjudged, and decreed by this Court that this appeal from the Circuit Court of the United States for the Eastern District of Missouri be, and the same is hereby, docketed and dismissed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court to be proceeded in according to law and justice.

Per Mr. Chief Justice Waite.

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230. The New York Central & Hudson River R.R. Co. vs. Pfaff in Error
Olga De Mahula Fratoff

The argument of this cause was continued by Mr. E. F. Shepard, of Counsel for the plaintiff in error, and by Mr. J. H. Evarts, of Counsel for the defendant in error.

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Tuesday, April 15, 1879.

Pursuant to adjournment the Court met to day at the Capitol.

Present

The Honorable Morrison R. Waite, Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan
} Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. J. G. Field it is ordered that Wm. B. Compton, Esquire, of Harrisonburg, State of Virginia, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

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230. The New York Central & Hudson River R.R. Co. vs. Plff in Error
Olga de Maluta Fralloff

The argument of this cause was continued by Mr. J. N. Jewett, of counsel for the defendant in error, and concluded by Mr. E. F. Shepard, for the plaintiff in error.

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111. Jas. S. Clark & Co. vs. Appellants
The United States

The argument of this cause was commenced by Mr. J. J. Reed, of counsel for the appellants, continued by Mr. Asst Attorney General Smith, of counsel for the appellee, and concluded by Mr. Matt. H. Carpenter, of counsel for the appellants

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231. Samuel Pasco, Executor, etal. vs. Appellants
Lepine C. Rice, Assignee of A. M. Sloan, bankrupt.

Ordered by the Court that this cause be, and the same is hereby, continued until the next term.

Tuesday, April 15, 1879, Continued-

232	Wm. G. W. Jaeger et al. vs. G. A. Moore.	Appellants	Mr. E. J. D. Cross, of Counsel for the appellee, filed and submitted to the

Consideration of the Court motion to dismiss the appeal in this cause so far as the same relates to Wm. G. W. Jaeger and Wm. R. Jaeger. Whereupon this Court not being now sufficiently advised of and concerning what order to render in the premises took time to consider.

232	Wm. G. W. Jaeger et al. vs. G. A. Moore.	Appellants	The argument of this cause was commenced by Mr. Linden Kent,

of counsel for the appellants.

Tuesday, April 15, 1879, continued.

35. Emerson G. Ovis vs. Nathan Powell. Appellant

This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. S. F. Butler and Mr. C. D. Barrett, of counsel for the appellant, and by Mr. Julius Rosenthal and Mr. A. M. Pence, of counsel for the appellee, (on re-argument ordered.)

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock M.

Wednesday, April 16, 1879.

Pursuant to adjournment the Court met to day at the Capitol.

Present

The Honorable Morrison R. Waite, Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan
} Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. John Van Voorhis it is ordered that Daniel Holmes, Esquire, of Brockport, State of New York, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

Robert P. Dodge et al 311. vs. Appellants Samuel Strong. And Thomas C. Bashor et al. 886. vs. Appellants Mallet-Kilbourn et al	Mr. Enoch Totten filed motions to dismiss these cases. Thereupon, it is now here ordered by the Court that notice of said motions be served for Monday the 21st inst.

Wm. G. N. Yeager et al 232. vs. Appellants G. A. Moore	The argument of this cause was continued by Mr. Linden Kent, of counsel for the appellants, by Mr. E. P. Cross and Mr. Robert D. Morrison, of counsel for the appellee, and concluded by Mr. Enoch Totten, for the appellants.

Wednesday, April 16, 1879, continued.

	Samuel R. Brick et al.	The argument of
133.	vs. Appellants	this cause was
	Julia E. Brick et al.	commenced by
		Mr. W. B. Webb

of counsel for the appellants

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Thursday, April 17, 1879.

Pursuant to adjournment the Court met today at the Capitol.

Present

The Honorable Morrison R. Waite, Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
John M. Harlan
} Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened

On motion first made to the Court in this behalf by Mr. John S. Newberry it is ordered that E. St. Clair Waddaugh, Esquire, of Detroit, State of Michigan, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

Thursday, April 17, 1879, Continued-

The United States 1098 vs. Appellant Josiah Winchester, Executor of Jno. Jenkins, deceased.	This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. Asst. Attorney General Smith, of counsel for the appellant, and by Mr. Jos. S. Fowler, of counsel for the appellee.

The United States 1064 vs. Plff in Error James O. Curtis et al. and James O. Curtis et al. 1065 vs. Plffs in Error The United States	Mr. Assistant Attorney General Smith filed and submitted to the consideration of the Court motion to advance these cases.

Samuel R. Brick et al. 233 vs. Appellants Julia E. Brick et al.	The argument of this cause was continued by Mr. Jos. H. Bradley, of counsel for the appellees, and concluded by Mr. W. B. Webb, of counsel

Thursday, April 17, 1879, Continued.

for the appellants.

The Board of Commissioners
of Bourbon County
vs. Hill in Error
234. John H. D. Block
and
John H. D. Block
vs. Hill in Error
240 The Board of Commissioners
of Bourbon County

The argument of this cause was commenced by Mr. J. D. Stevenson, of counsel for Block, the plaintiff below, and continued by Mr. J. E. McKeighan, of counsel for the Board of Commissioners.

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Friday, April 8, 1870.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Morrison R. Waite, Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan
Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Attorney General Devens it is ordered that John R. Buck and Joseph R. Hawley, Esquires, of Hartford, State of Connecticut, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

The Baltimore Bridge Co.
1068. vs. Appellant,
The Louisville, Paducah & Southwestern R.R. Co.
and
The Baltimore Bridge Co.
1103. vs. Appellant,
L. H. Meyendorff

On motion of Mr. Cephas Brainard leave is hereby granted the Clerk to issue the Mandates in these cases

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Gardner Colby
243. vs. Appellant
George Reed

Mr. E. H. Abbott suggested the death of Gardner Colby, the appellant in this cause, and moved the Court for leave to enter the appearance of Gardner R. Colby, Charles L. Colby, Joseph L. Colby, and Henry L. Colby, Executors of said Gardner Colby, deceased, as appellants in this cause. Whereupon, It is ordered that the said Gardner R. Colby, Charles L. Colby, Joseph L. Colby, and Henry L. Colby, Executors of Gardner Colby, deceased, as aforesaid, be entered and made the parties appellant in this cause with liberty to prosecute this appeal.

The Board of Commissioners of Bourbon County
234 vs. Piff in Error
John H. D. Block.
And
John H. D. Block
290 vs. Piff in Error
The Board of Commissioners of Bourbon County

The argument of this cause was continued by Mr. J. E. McKeighan, of counsel for the Board of Commissioners, and concluded by Mr. J. D. Stevenson, of counsel for Block, the plaintiff below

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George Burt
235 vs. Piff in Error
Maria M. Paujaud
And
Jos. H. Atwood et al
236 vs. Piffs in Error
Fanny E. Keene, Executrix &c.

These cases were submitted to the consideration of the Court on the records and printed arguments by Mr. H. Riebe Jr., of counsel for the plaintiffs in error, and by Mr. James M. Baker, for the defendants in error.

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237 The Union Consolidated Silver Mining Company. vs. Pfflin Error James G. Taylor

This cause was submitted to the consideration of the Court on the record and print ed arguments by Mr. D. L. Smoot and Mr. Harry S. Thornton, of counsel for the plaintiff in error, and by Mr. W. E. F. Deal, for the defendant in error.

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238. The United States vs. Appellant Charles G. Case et al.

This cause was argued by Mr. Attorney General Devens, of counsel for the appellant, and by Mr. James Grant, for the appellees.

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240. Jas. H. Denver & Chas. H. Peck vs. Appellants, A. Roane, Executor &c.

The argument of this cause was commenced by Mr. Albert Pike, of counsel for the appellants.

Proclamation being made the Court is adjourned until Monday next at twelve o'clock.

Monday, April 21, 1879

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Morrison R. Waite, Chief Justice
Nathan Clifford
Noah H. Swayne,
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan
} Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened

On motion first made to the Court in this behalf by Hon. H. P. Lynde it is ordered that S. F. Miller, Esquire, of Charleston, State of West Virginia, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. H. Bradley it is ordered

that John P. Jackson, Esquire, of Newark, State of New Jersey, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. C. C. House it is ordered that Theron R. Sherman, Esquire, of Des Moines State of Iowa, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

The Denver & Rio Grande Railway Company, Appellant
vs.
811. Ebenezer T. Alling, Mark Megrue, Benjamin F. Rockafellow et al

Appeal from the Circuit Court of the United States for the District of Colorado.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Colorado, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this

Court that the decree of the said Circuit Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court for further proceedings to be had therein in conformity with the opinion of this Court.

Per Mr. Justice Harlan dissenting; Mr. Chief Justice Waite.

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812 The Denver & Rio Grande Railway Company, Appellant vs. The Canon City & San Juan Railway Company. | Appeal from the Circuit Court of the United States for the District of Colorado.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Colorado, and was argued by counsel. On consideration whereof, it is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court, in this cause, be, and the same is hereby, reversed with costs,

And that this cause be, and the same is hereby, remanded to the said Circuit Court for further proceedings to be had therein in conformity with the opinion of this Court.

per Mr. Justice Harlan

Dissenting:
Mr. Chief Justice Waite

William H. Hall 886 vs. Appellant The Union Pacific Railroad Company and Fred L. Ames.	Appeal from the Circuit Court of the United States for the District of Nebraska.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Nebraska, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court, in this cause, be, and the same is hereby, affirmed with costs.

per Mr. Justice Strong

Dissenting:
Mr. Justice Bradley
" " Clifford

217. The Germania National Bank of New Orleans, Alem Sherak & Auley - The Crescent Mutual Insurance Company & Benjamin J. Hart v. Frank T. Howe, Receiver of The Crescent City National Bank of New Orleans. Appellants

Appeal from the Circuit Court of the United States for the District of Louisiana

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Louisiana, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court in this cause, be, and the same is hereby, affirmed with costs and interest, until paid, at the same rate per annum that similar decrees bear in the Courts of the State of Louisiana.

Per Mr. Justice Strong

219.	Henry O. Harkness vs. Jordan N. Hyde.	In Error to the Supreme Court of the Territory of Idaho.

This cause came on to be heard on the transcript of the record from the Supreme Court of the Territory of Idaho, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby remanded to the said Supreme Court with directions to reverse the judgment of the District Court for Oneida County and to direct that Court to set aside the service made upon the defendant.

Per Mr. Justice Field.

John A. Campbell, Donald McLane, Ida Williams and Thomas Williams.		In Error to the Supreme Court of the Territory of Montana.
193.	vs. Pltffs in Error	
David F. Rankin.		

This cause came on to be heard on the transcript of the record from the Supreme Court of the Territory of Montana, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby reversed with costs; And that this cause be, and the same is hereby, remanded to the said Supreme Court with directions to order a new trial.

per Mr. Justice Miller.

The Town of Lyons		In Error to the Circuit Court of the United States for the Northern District of New York.
214.	vs. Pltff in Error	
Edgar Cameron.		

This cause came on to be heard on the transcript of the record from the Circuit Court

of the United States for the Northern District of New York, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court, in this cause, be, and the same is hereby, affirmed with costs and interest, until paid, at the same rate per annum that similar judgments bear in the Courts of the State of New York.

Per Mr. Justice Swayne.

Franklin C. Smith
223. vs. Appellant
The Fort Scott, Humboldt & Western Railroad Co., and The County of Bourbon et al.

Appeal from the Circuit Court of the United States for the District of Kansas.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Kansas, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit

Court, in this cause, be, and the same is hereby, affirmed with costs.

per Mr. Justice Swayne.

Hallington Godden, James L. Hyperson et al. vs. Mary A. S. Kimmell, Admx of A. F. Kimmell, decd, William L. Kimmell et al.

Appeal from the Supreme Court of the District of Columbia

This cause came on to be heard on the transcript of the record from the Supreme Court of the District of Columbia, and was argued by Counsel, On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

per Mr. Justice Clifford

George Q. Cannon, Brigham Young, & Albert Carrington, Executors of Brigham Young, deceased.	Appeal from the Supreme Court of the Territory of Utah.
183. vs. Appellants & Plffs in Error	
Sarah M. Peart.	

This cause came on to be heard on the transcript of the record from the Supreme Court of the Territory of Utah, and was argued by counsel On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Supreme Court in this cause, be, and the same is hereby, affirmed with costs.

per Mr. Chief Justice Waite.

John Klein	In Error to the Circuit Court of the United States for the District of Louisiana
214. vs. Plff in Error	
The City of New Orleans.	

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Louisiana

and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court, in this cause, be, and the same is hereby, affirmed with costs.

per Mr. Chief Justice Waite

The Steamship "Abbotsford", her tackle &c., John DeKuffette, Master & Claimant,
1301. vs. Appellant
Thomas J. Johnson, Master of the Schooner Roanna Nevil.

Appeal from the Circuit Court of the United States for the Eastern District of Pennsylvania.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Pennsylvania, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court, in this cause, be, and the same is hereby, affirmed with costs and interest, until paid, at the same rate

per curiam that decree be in the Courts of the State of Pennsylvania

per Mr. Chief Justice Waite

22d

Jacob Musser, Appellant
vs.
Mrs. Elizabeth Jane Armstrong, widow & Executrix of Arthur A. Maginnis, dec'd, and Martin H. Shepard.

Appeal from the Circuit Court of the United States for the District of Louisiana

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Louisiana, and was argued by counsel On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court, in this cause, be, and the same is hereby, affirmed, with costs.

per Mr. Chief Justice Waite

The United States 938. vs. Appellant Charles F. Case and F. D. Van Hagenet surviving partners of the firm of Chas. F. Case & Company.	Appeal from the Court of Claims

This cause came on to be heard on the transcript of the record from the Court of Claims, and was argued by counsel. On consideration whereof, it is now here ordered and adjudged by this Court that the judgment of the said Court of Claims, in this cause, be, and the same is hereby, affirmed.

per Mr. Chief Justice Waite.

Milton J. Hardy 655. vs. Appellant Chas. P. Moorman	Appeal from the Circuit Court of the United States for the District of Kentucky.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Kentucky, and on the motion to dismiss

which was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed with costs.

per Mr. Chief Justice Waite.

(Mr. Justice Harlan did not sit in this case.)

901	Benjamin D. Whitney vs. Plff in Error, Alexander H. Coolbaugh et al	On consideration of the motion to affirm the judgment

in this cause, and of the argument of counsel thereupon had as well in support of as against the same, It is now here ordered by the Court that said motion be, and the same is hereby, denied.

per Mr. Chief Justice Waite.

756.	Henry Meyer et al, vs. Plffs in Error James E. Dewey et al.	Ordered by the Court that the motion to dismiss the writ of error or affirm the

judgment in this cause be, and the same is hereby, postponed until the hearing of the cause upon its merits.

1064. The United States vs. Plff in Error / Jas. O. Curtis et al

And

1065 Jas. O. Curtis et al vs. Plff in Error / The United States

On consideration of the motion to advance these cases it is now here ordered by the Court that said motion be, and the same is hereby, granted, and that they be assigned for argument after No. 267 of the present docket.

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85. The American Emigrant Company. vs. Appellant / The County of Adams.

Ordered by the Court that the decree of affirmance entered in this cause on the 16th of December 1873, be, and the same is hereby, rescinded, and that the cause be restored to its place upon the docket for re-hearing at the next term.

The Richmond Mining Co.
636 vs. Appellant,
The Eureka Consolidated
Mining Co.
637. Same Appt. vs. Same.
638 Same Appt. vs. Same.

On consideration of the motion for writ of Supersedeas or Injunction in these cases, it is ordered that said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Waite

The Illinois Central R.R. Co.
1110 of 1876 vs. Appellant,
Samuel H. Terrill
The Michigan Southern &
Northern Indiana R.R. Co.
1113 of 1876. vs. Appellant
Samuel H. Terrill
The Chicago & Alton R.R. Co.
1490. vs. Appellant
Samuel H. Terrill
and
The Chicago, Burlington &
Quincy R.R. Co.
1491. vs. Appellant
Samuel H. Terrill

On consideration of the petitions for leave to file a bill of review in the Circuit Court in these cases, it is now hereby ordered by the Court that said petitions be, and the same is, hereby, denied.

Per Mr. Chief Justice Waite

876.	Margaret Keefe vs. Edmund Malone	Appeal from the Supreme Court of the District of Columbia.

This cause came on to be heard on the transcript of the record from the Supreme Court of the District of Columbia, and on the authority of the decision in the case of the Balto. & Potomac R.R. Co. vs. Grant, and motion of Mr. W. F. Mattingly, of counsel for the appellee, It is now hereordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed, each party paying their own costs.

per Mr. Chief Justice Waite

311.	Robert P. Dodge et al. vs. Samuel Strong	Ordered by the Court that the motion to dismiss this appeal be, and the same is hereby, postponed for the present.

903.	Josephine Faut vs. Wm. A. Gordon et al.	Appellant	The motion to dissolve injunction ifsued in this cause was submitted to the consideration of the Court on printed arguments by Mr. R. Tindall, in support of the same, and leave granted to Mr. Shellabarger to file brief in opposition thereto by Monday next.

414.	The United States vs. Herman Hirsch et al.	Plaintiff	Mr. Solicitor General Phillips filed and submitted to the consideration of the Court motion to advance this cause.

286.	The Chicago, Milwaukee & St. Paul Railway Co. vs. Jesse Kinney	Plff in Error	In Error to the Circuit Court of Dane County, State of Wisconsin.

This cause came on to be heard on the transcript of the record from the Circuit Court of Dane County, State of Wisconsin

pire, and on the stipulation of counsel on file, and motion of Mr. F. Beall, in behalf of counsel, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed - plaintiff in error to pay clerk's costs in this Court.

per Mr. Chief Justice Waite.

Ex parte: In the matter of Frank J. Bowman.

Mr. Bowman appeared in response to the motion heretofore made by Mr. Phillips to set aside the order admitting him to practice in this Court, and filed certain papers and argued in opposition to said motion.

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87. John B. Dumont vs. The Des Moines Valley Railroad Company. Appellant

The motion and petition for leave to file a bill of review in the U.S. Circuit Court in this cause, was submitted to the consideration of the Court on printed arguments by Mr. Chas. J. Clark, in support of the same, and

by Mr. C. C. Conrad, in opposition thereto

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187. Joseph Fronsline ps. Riffin Error John A. Hall

On motion of Mr. A. Wilson ordered that leave be granted the Clerk to issue the Mandate in this cause.

X 5. James R. Butler ps. Riffin Error J. B. Thomas

Mr. S. A. Miller suggested the death of J. B. Thomas, the defendant in error in this cause, and moved the Court for an order under the 15th Rule to make the proper representatives parties — Whereupon it is now here ordered by the Court that unless the proper representatives of the said J. B. Thomas, deceased, as aforesaid, shall voluntarily become parties within the first ten days of the ensuing term of this Court the plaintiff in error shall be entitled to open the record and on hearing have the cause reversed if it be erroneous, Provided, that a copy of this order

shall be printed in
newspaper at the seat of Government
for three successive weeks at least
sixty days before the beginning of the
term of the Supreme Court next ensuing.
per Mr. Chief Justice Waite

James K. Dewer
and Charles F. Peck
1881. vs. Appellants
A. Kane, Executor &c

The argument of
this cause was
continued by Mr.
S. S. Henkel, of
counsel for the
appellees.

Proclamation being made the Court is
adjourned until to-morrow at twelve
o'clock.

Tuesday, April 22, 1879.

Pursuant to adjournment the Court met to day at the Capitol.

Present

The Honorable Morrison R. Waite, Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan
} Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. A. E. Stevenson it is ordered that Washington A. Campbell, Esquire, of Havanna, State of Illinois, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

	Mo. S. Dayton and Mo. B. Dayton.	Mr. R. T. Bell, suggested the death of Israel G. Lash, the appellee in this cause, and
876.	vs. Appellants	
	Israel G. Lash.	

moved the court for leave to enter the appearance of R. B. Galusha, Admr of said Israel G. Lash, as the appellee in this cause. Whereupon it is ordered that the said R. B. Galusha, Administrator of the said Israel G. Lash, deceased, as aforesaid, be, and he is hereby, entered and made the party appellee in this cause, in place of said Lash, with liberty to resist the appeal.

	Jas. S. Denver and Charles F. Peck.	The argument of this cause was continued by
1116.	vs. Appellants	
	Keane Denver &c.	Mr. S. S. Henkle, and Mr. J. H.

Bradley, of counsel for the appellee, and concluded by Mr. Albert Pike, of counsel for the appellants.

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241 The Town of Negaunee vs. Plff in Error
Charles H. Ayling

This cause was argued by Mr. W. F. Lynde, of counsel for the plaintiff in error, and by Mr. E. N. Abbott, for the defendant in error.

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242 F. K. Hartman vs. Plff in Error
J. McBrandt, Collector &c.

This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. F. K. Holzhauser, of counsel for the plaintiff in error, and by Mr. Assistant Attorney General Smith, of counsel for the defendant in error.

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243 Eugene R. Colby et al, Executors &c. vs. Plff in Error
George Reed.

The argument of this cause was commenced by Mr. E. N. Abbott, of counsel for the plaintiffs in error.

2116.	George H. Miller vs. Appellant Edwin F. Gary et al.	On motion of Mr. James Lowndes it is ordered that this cause be, and the same is hereby, continued until the next term.

Proclamation being made the Court is adjourned until to morrow at twelve o'clock.

Wednesday, April 23. 1879.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Morrison R. Waite, Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan
} Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Hesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Attorney General Devens it is ordered that John A. Loring, Esquire, of Boston, State of Massachusetts, and John H. Boalt, Esquire, of San Francisco, State of California, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Van Voorhis it is ordered that Abraham K. Parker, Esquire, of Goldsdam, State of New York, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

2443 Gardner R. Colby et al., Executors &c. vs. Plffs in Error
George Reed.

The argument of this cause was continued, by Mr. Edwin H. Abbott, of counsel for the plaintiffs in error, by Mr. Matt. H. Carpenter, of counsel for the defendant in error, and concluded by Mr. Abbott, for the plaintiffs in error.

2445 Thomas McManus et al Appellants
vs.
The United States

This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. P. J. Durant and Mr. C. H. Horner, of counsel for the appellants, and by Mr. Assistant Attorney General Smith for

Wednesday, April 23, 1879, continued.

the appellee.

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228 The People, Ex rel: The Pacific Mail Steam Ship Company. vs. Hyde in Error. The Commissioners of Taxes & Assessments for the City & County of New York.

The argument of this cause was commenced by Mr. Austin G. Fox, of counsel for the plaintiff in error. The Court declined to hear further argument in the case.

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214 James S. Stansford vs. Hyde in Error R. H. Thornton Executor &c.

This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. Samuel F. Miller, of counsel for the plaintiff in error, and by Mr. R. H. McKenney, for the defendant in error.

Wednesday, April 23, 1879, Continued.

The Baltimore & Ohio R.R. Co.	The argument of this cause was commenced by Mr. James
211. vs. Error to	A. Buchanan of counsel for the plaintiff in error. The Court declined to hear
Larkin A. Beall.	further argument in the case.

The Washington Market Company	On motion of Mr.
251. vs. Appellant	M. F. Morris it is ordered
James A. Hoffman	that this cause

be, and the same is hereby, continued until the next term of this Court.

Mrs. M. E. Burke	This cause was
253. vs. Error to	submitted to the
Louis Fregeau et al	consideration of

the Court on the record and printed arguments by Mr. George Lasey, of counsel for the plaintiff in error, and by Mr. Thos. L. Bayne, of counsel for the defendants in error.

The Town of Mt. Pleasant and Caledonia
252 vs. Appellants,
Charles A. Beckwith.
and
The Town of Mt. Pleasant and Caledonia
52½ vs. Appellants,
H. H. Cornell et al.,
Executors &c.

The argument of these cases was commenced by Mr. John F. Fish, of counsel for the appellants and continued by Mr. N. P. Sprague, of counsel for the appellees.

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock M.

Thursday, April 24. 1879.

Pursuant to adjournment the Court met to day at the Capitol.

Present

The Honorable Morrison R. Waite, Chief Justice
Nathan Clifford, }
Noah H. Swayne, }
Samuel F. Miller, } Associate
Stephen J. Field, } Justices
William Strong, }
Joseph P. Bradley, }
John M. Harlan }

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened

On motion first made to the Court in this behalf by Mr. J. A. McPherson it is ordered that George K. Haynes and Noah H. Swayne, junior, Esquires, of Toledo, State of Ohio be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Hon. Francis Kernan it is ordered that Benjamin H. Downing, Esquire, of Flushing, State of New York, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. H. C. Terry it is ordered that J. D. Williams, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. P. Phillips it is ordered that Herbert L. Baker, Esquire, of Detroit, State of Michigan, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

	Eunice P. Brown	Appeal from the Cir-
261.	vs. Appellant	cuit Court of the
	Charles Kimball,	United States for the
	Martha B. Brown et al.	District of Massachusetts.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Massachusetts, and on the motion of Mr. O. D. Barrett, of counsel for the appellant, It is now here ordered, adjudged, and decreed by this court that the decree of the said Circuit Court, in this cause, be, and the same is hereby, affirmed with costs.

per Mr. Chief Justice Waite

	The Towns of Mt. Pleasant & Caledonia.	The argu-
252.	vs. Appellants	ment of
	Charles A. Beckwith.	these cases
	and	was con-
	The Towns of Mt. Pleasant & Caledonia.	tinued by
52	vs. Appellants.	Mr. W. P.
	N. W. Cornell et al, Executors &c.	Lynde, of
		counsel

for the appellees, and concluded by Mr.

Thursday, April 24, 1879, continued.

L. S. Dixon, of counsel for the appellants

Thomas J. Phelps, Assignee &c.
254 vs. Appellant
A. K. McDonald et al.

The argument of this cause was commenced by Mr. F. P. Stanton, of counsel for the appellant, and continued by Mr. C. C. Cole, of counsel for the appellees.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock M.

Friday, April 25, 1879.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Morrison R. Waite, Chief Justice

Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan

} Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Hon. Montgomery Blair it is ordered that John F. Martin, Esquire, of St. Louis, State of Missouri, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

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254 Thomas J. Phelps, Assignee &c. vs. A. K. McDonald et al. Appellant

The argument of this cause was continued by Mr. W. A. Cook, of counsel for the appellees, and concluded by Mr. Geo. H. Applebe, of counsel for the appellant.

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255 The Congress & Empire Spring Company vs. Ann K. Edgar. Pl'ff in Error

This cause was argued by Mr. C. S. Lester, of counsel for the plaintiff in error, and by Mr. Geo. H. Miller, of counsel for the defendant in error.

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256 Alonzo S. Hatch vs. The Standard Oil Co. of Cleveland — and — 257 Orlando North et al vs. Wm. McDonald et al. Pl'ffs in Error

Ordered by the Court that these causes be, and the same are hereby, continued until the next term of this Court.

The United States 257 vs. Writ of Error Jas. N. Morgan et al.	This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. Attorney General Devens, of counsel for the plaintiff in error, and by Mr. W. W. Morrow, for the defendants in error.

William Koemer 259. vs. Appellant Edward Simon et al.	This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. A. V. Briesen, of counsel for the appellant, and by Mr. F. H. Betts, for the appellees

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James S. Clark & Co. 111. vs. Appellants The United States	On motion of Mr. J. J. Ward leave is hereby granted him to file additional brief in this cause, and also leave granted the Attorney General to file reply thereto if deemed necessary.

Proclamation being made the Court is adjourned

Monday, April 28, 1879.

Pursuant to adjournment the Court met to day at the Capitol.

Present

The Honorable Morrison R. Waite Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan
Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk

Proclamation being made the Court is opened

On motion first made to the Court in this behalf by Mr. Attorney General Devens it is ordered that Walter C. Laned, Esquire, of Chicago, State of Illinois, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr George H. Williams it is ordered that J. Thomas Turner, Esquire, of Washington Territory, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. H. D. Davidge it is ordered that E. Greenough Hall, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

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156. E. Parsons, George Parsons, E. G. Peard, Charles Parsons and Scott, Zerega & Co. vs. Henry R. Jackson, Moses D. Hadley, H. M. Headley, Edward Padelford, M. Price, L. P. Grant, J. S. Grant, W. N. Mitchell, M. Swanson and A. B. Reading. Appellants

Appeal from the Circuit Court of the United States for the District of Louisiana.

Monday, April 25, 1870, Continued.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Louisiana, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Bradley.

Dissenting:
Mr. Justice Clifford.

(Mr. Justice Swayne was not present at the argument and took no part in the decision.)

Henry K. Jackson, Moses D. Wadley et al

525 vs. Appellants

The Vicksburg, Shreveport & Texas Railroad Co, John T. Sudeling et al.

and.

The Vicksburg, Shreveport & Texas R.R. Co. John T. Sudeling et al

526 vs. Appellants

Henry K. Jackson, Moses D. Wadley et al.

Appeals from the Circuit Court of the United States for the District of Louisiana

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Louisiana, on appeal and cross-appeal, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court, in this cause, be, and the same is hereby, reversed; And that this cause be, and the same is hereby, remanded to the said Circuit

Court with directions to enter a decree pursuant to the opinion of this Court. Each party to pay their own costs in each case.

Per Mr. Justice Bradley.

S. Jennison, Executor of B. B. Steamb, pr. Plff in Error, J. T. Kirk.	In Error to the Supreme Court of the State of California.

199

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of California, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Field.

Monday, April 28, 1879, Continued.

James Van Norden		Appeal from the Circuit Court of the United States for the District of Louisiana.
225	vs. Appellant	
Levi P. Morton, George Bliss and George S. Bowdoin, as Morton Bliss & Co.		

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Louisiana, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court with directions to enter a decree dismissing the bill for want of jurisdiction, without prejudice to the right of complainant to bring any action at law or other proceeding which he may be advised.

per Mr. Justice Miller

Monday, April 25, 1879, continued.

235	George Burt vs. Iliffin Exr Maria Pougaud	In Error to the Circuit Court of the United States for the Northern District of Florida.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Northern District of Florida, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court, in this cause, be, and the same is hereby affirmed with costs.

per Mr. Justice Miller

Dissenting:
Mr. Justice Strong.

35	Emerson G. Ervin Appellant vs. Nathan Powell	Mr. Justice Miller delivered the opinion of the Court on the re-hearing granted in this cause, confirming the decree heretofore entered by this Court.

	F. K. Hartman	In Error to the Circuit
212	vs.	Court of the United
	Irving M. Bean,	States for the Eastern
	Collector of Internal	District of Wisconsin.
	Revenue.	

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Wisconsin, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Clifford.

	The People, &c. rel: The Pacific	In Error to the
	Mail Steamship Company,	Supreme Court
228	vs.	of the State
	Plaintiff in Error	of New
	The Commissioners of Taxes and	York.
	Assessments for the City and	
	County of New York.	

This cause came on to be heard on the tran-

receipt of the record from the Supreme Court of the State of New York, being possessed of the record and proceedings upon a writ of mittitur from the Court of Appeals of the State of New York, and was argued by counsel On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

per Mr. Chief Justice Waite

Thomas McManus and Peter Smith vs T. McManus & Company. | Appeal from the Court of Claims.

945. v. Appellants
The United States

This cause came on to be heard on the transcript of the record from the Court of Claims, and was argued by counsel On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Court of Claims, in this cause, be and the same is hereby, affirmed.

917. James S. Hansford v. Appellant
Robert A. Thornton, Executor of F. A. Thornton, deceased; Delia S. Thornton et al.

Appeal from the District Court of the United States for the District of West Virginia.

This cause came on to be heard on the transcript of the record from the District Court of the United States for the District of West Virginia, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed with costs and interest, until paid, at the same rate per annum that similar decrees bear in the Courts of the State of West Virginia.

Per Mr. Chief Justice Waite.

Monday, April 28, 1879, continued.

The Baltimore & Ohio Railroad Company vs. Jeffrin Error
244. Larkin A. Beall.

In Error to the Supreme Court of the District of Columbia.

This cause came on to be heard on the transcript of the record from the Supreme Court of the District of Columbia, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs and interest, until paid, at the same rate per annum that similar judgments bear in the Courts of the District of Columbia.

Per Mr. Chief Justice Waite.

256.	William Roemer vs. Edward Simon, William Simon, Samuel Simon and Morris Schwerin.	Appeal from the Circuit Court of the United States for the District of New Jersey.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of New Jersey, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court, in this cause, be, and the same is hereby, affirmed with costs.

per Mr. Chief Justice Waite

1111.	The United States vs. Plaintiff, Herman Hirschdal.	On consideration of the motion to advance this cause it is ordered that

said motion be granted, and that the cause be assigned for argument on the second day of the next term immediately after

the cases already assigned for that day.

Ex parte: In the matter of Frank J. Bowman. | Ordered that the further consideration of the motion made by Mr. Phillips and the showing in opposition thereto made by Mr. Bowman be, and the same is hereby, postponed until the next term of this Court.

The Chief Justice announced that the Court would adjourn the present term on Monday, May 5th, 1879.

The Canal Bank of New Orleans et al vs. Appellants
122 Wm. B. Parker et al. | On motion of Mr. P. Phillips leave is hereby granted the Clerk to issue the Mandate in this cause.

Robert P. Dodge et al. vs. Appellants
311 Samuel Strong | The motion to dismiss this cause was submitted to the consideration

of the Court on printed arguments by Mr. Enoch Totten, in support of the same, and by Mr. Benj. J. Darnielle, in opposition thereto.

896.	Edward Lange vs. Pfeffin Exor Charles L. Benedict	The motion to dismiss this cause was submitted to the consideration of the Court on the printed arguments by Mr. B.F. Tracy, in support of the same, and by Mr. Wm. Henry Arnoux, in opposition thereto.

645.	The United States vs. Appellant Faxon D. Atherton.	Mr. Dwight K. Tripp suggested the death of Faxon D. Atherton, the appellee in this cause and moved the Court for leave to enter the appearance of Domingo G. de Atherton and A. B. Grogan, Executrix and Executor of said Faxon D. Atherton, as the appellees in this cause - Whereupon, It is ordered that the said Domingo G. de Atherton and A. B. Grogan, Executrix and

Executor of Fulton D. Atherton, deceased, as aforesaid, be, and they are hereby, entered and made the appellees in this cause in place of said Atherton, deceased, with liberty to resist this appeal.

F. M. Keiley, Executor of Michael Hall, deceased. vs. Charles A. Ellett, Administrator of H. B. Ellett, dec'd, and M. Godden.	In Error to the Supreme Court of Appeals of the State of Virginia.

581.

This cause came on to be heard on the transcript of the record from the Supreme Court of Appeals of the State of Virginia, and on the authority of counsel for the plaintiff in error on file and motion of Mr. Fillmore Beall, in behalf of counsel. It is now here ordered, adjudged, and decreed by this Court that the writ of error in this cause be, and the same is hereby, dismissed with costs.

Per Mr. Chief Justice Waite.

The Globe Mutual Life Insurance Co. vs. Appellant, Mary L. Ware, S. L. Ware, and A. L. Ware, by their guardian and next friend Mary L. Ware. U.S.

Mr. Fillmore Beall of counsel for the appellees, having filed and read in open Court the following certificate, to-wit:

"United States of America } ss.
Southern District of Mississippi }

Mary L. Ware, Sedley Lynch Ware, and Augustus Lee Ware, minors by their guardian Mary L. Ware.
Complainants
vs.
The Globe Mutual Life Insurance Company, and H. L. Hemingway, State Treasurer.
Defendants.

I, James M. McKee, Clerk of the Circuit Court of the United States for the Southern District of Mississippi, do hereby certify that in a cause pending

in said court wherein Mary L. Hare, and Dudley Lynch Hare and Augustus Lee Hare, minors by their guardian, Mary L. Hare were complainants, and The Globe Mutual Life Insurance Company and W. L. Hemingway, State Treasurer, were defendants, a decree was entered in said cause on the first day of December, A.D. 1877, in favor of the said complainants and against the said defendants; Whereupon the said Globe Mutual Life Insurance Company prayed an appeal from said decree to the Supreme Court of the United States which was allowed on the first day of December in the year one thousand eight hundred and seventy seven

In witness whereof I have hereunto set my hand and affixed the seal of said Court, at Jackson, this 19th day of February, in the year one thousand eight hundred and seventy-nine

(Seal)

Jas. M. McKee, Clerk.

and having stated that the appellant had altogether failed to file the record of said cause in this Court, or in any way to prosecute said appeal now here moved the Court, in pursuance of the 6th rule of this Court, to have this appeal docketed and dismissed - On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that this appeal from the Circuit Court of the United States for the Southern District of Mississippi be, and the same is hereby, docketed and dismissed with costs; And that this cause be, and the same is hereby, remanded to the said Circuit Court to be proceeded in according to law and justice.

per Mr. Chief Justice Waite

The City of Memphis
11Dt. vs. Appellant
James A. London.

Mr. Fillmore Bull, of counsel for the appellee, having filed and read in open Court the following certificate, to wit:

"The United States of America } ss.
Western District of Tennessee }
In the Circuit Court of the United States
for the Western District of Tennessee.

James H. London
Complainant
No. 2163 vs.
The City of Memphis.

I, Bell M. Etheridge, Clerk of the Circuit Court of the United States for the Western District of Tennessee, do hereby certify that in a cause lately depending in said Court wherein James H. London was complainant and The City of Memphis was defendant a decree was rendered in said cause on the 25th day of May, A.D. 1878, from which decree the said defendant on the 13th day of June, A.D. 1878, prayed an appeal to the Supreme Court of the United States which was on the same day allowed and a bond in the sum of $1000 on the same day approved.

In testimony whereof I have

(Seal) unto set my name and affix the seal of said Court in the City of Memphis this 8th day of June, A.D. 1870.
Bill H. Etheridge
Clerk."

and having stated that the appellant had altogether failed to file the record of said cause in this Court or in any way to prosecute said appeal, now here moved the Court, in pursuance of the 6th rule of this Court, to have this appeal docketed and dismissed - On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that this appeal from the Circuit Court of the United States for the Western District of Tennessee, be and the same is hereby, docketed and dismissed with costs; And that this cause be, and the same is hereby, remanded to the said Circuit Court to be proceeded in according to law and justice.

Per Mr. Chief Justice Waite.

1046. Wells H. Leggett and Leverett L. Leggett vs. Benjamin F. Avery, Samuel Avery and George Avery.

Mr. Fillmore Beall moved the Court to rescind and annul the decree of dismissal, entered in this cause on the 16th day of December, 1878, and for additional time from this date to docket the cause and file the record. Thereupon, it is ordered that the decree of dismissal entered herein on the 16th of December last, in pursuance of the 9th rule, be, and the same is hereby rescinded and annulled; and that the appellants have until the 15th of May next to file their record and docket their cause in conformity to the rules of this Court upon payment of costs.

1125. John F. Kelly vs. Appellant Peter H. Heller.

Mr. E. H. Newman, of counsel for the appellee, having filed and read in open Court the following certificate, to wit:

"Clerk's Office, Supreme Court of the

District of Columbia.

Peter H. Heller
vs.
John T. Kelly and
Alexander Sharp.

9634
Equity Docket
11

This is to certify that on the 20th day of October, 1878, in said Court, in General Term, a final decree was rendered in the above stated cause, and that then and there, in open Court, the said John T. Kelly prayed and was allowed his appeal to the Supreme Court of the United States.

Witness my hand and the seal of the Supreme Court of the District of Columbia.

(Seal) April 28, 1879.

R. J. Meigs, Clerk &c.
By R. J. Meigs Jr.
Asst Clerk &c.

and having stated that the appellant had altogether failed to file the record of said cause in this Court, or in any way to prosecute said appeal, now on motion of the Court, it is pursuant of

the 9th rule of this Court to have this appeal docketed and dismissed. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that this appeal from the Supreme Court of the District of Columbia be, and the same is hereby, docketed and dismissed with costs; And that this cause be, and the same is hereby, remanded to the said Supreme Court to be proceeded in according to law and justice.

per Mr. Chief Justice Waite

1126. John F. Kelly vs. Peter H. Heller, Appellant

Mr. E. A. Newman, of counsel for the appellee, having filed and read in open Court the following certificate, to wit:

"Clerk's Office, Supreme Court of the District of Columbia.

John F. Kelly vs. Peter H. Heller } 3875 Equity Docket 13.

This is to certify that on the 21st day of March, 1877, in said cause, in General

Term, a final decree was rendered, and that then and there in open Court, the complainant, John F. Kelly, prayed and was allowed his appeal to the Supreme Court of the United States.

Witness my hand and the seal of said Supreme Court of the District of Columbia, April 25, 1879.

(Seal)

R. J. Meigs, Clerk &c.
by R. J. Meigs Jr., 1st Clerk."

and it having been shown that the appellant had altogether failed to file the record of said cause in this Court, or in anyway to prosecute said appeal, now here moved the Court, in pursuance of the 9th rule of this Court, to have this appeal docketed and dismissed. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that this appeal from the Supreme Court of the District of Columbia be, and the same is hereby docketed and dismissed with costs, and that this cause be, and the same is hereby, remanded to the said Supreme Court to be proceeded in according to law and justice.

Per Mr. Chief Justice Waite

112 | John F. Kelly vs. Peter A. Heller, Appellant | Mr. E. A. Newman, of counsel for the appellee, having filed and read in open Court the following certificate, to wit:

"Clerk's Office, Supreme Court of the District of Columbia.

John F. Kelly vs. Peter A. Heller } 1878 Equity Docket 15.

This is to certify that in the above stated cause, in the said Court, in General Term, on the 8th day of April, 1878, a final decree was rendered, and that on the 8th day of May, 1878, John F. Kelly, the complainant, in open Court, prayed, and was allowed his appeal to the Supreme Court of the United States.

Witness my hand and the seal of said Supreme Court of the District of Columbia, April 28, 1879.

(Seal) R. J. Meigs, Clerk S.C.D.C.

By R. J. Meigs Jr. Asst'l Clerk."

and having stated that the appellant

had altogether failed to file the record of said cause in this Court, or in any way to prosecute said appeal, now here moved the Court, in pursuance of the 9th rule of this Court, to have this appeal docketed and dismissed. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that this appeal from the Supreme Court of the District of Columbia be, and the same is hereby, docketed and dismissed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court to be proceeded in according to law and justice.

Per Mr. Chief Justice Waite

1093 | P. C. Calhoun et al vs. The St. Louis & Southeastern Railway Co. | Appellants | The motion to dismiss this appeal or vacate the supersedeas was submitted to the consideration of the Court on printed arguments by Mr. E. G. Platt and Mr. J. C. Bullitt, in support of the same, and by Mr. B. H. Bristow and Mr. N. S. Oglesby, in opposition thereto.

W. N. Chatfield et al.	
1055 vs. Appellants	
N. F. Boyle et al.	

The motion to dismiss this cause was submitted to the consideration of the Court on printed arguments by Mr. J. R. McPherson, in support of the same, and by Mr. Stanley Matthews, in opposition thereto.

George A. Ketchum et al.	
766. vs. Plffs in Error —	
George W. Buckley.	

The motion to dismiss this cause was submitted to the consideration of the Court on printed arguments by Mr. Thos. A. Price, in support of the same, and by Mr. P. Phillips and Mr. E. S. Dargan, in opposition thereto.

Proclamation being made the Court is adjourned until Monday, May 5th, at twelve o'clock.

Monday, May 5, 1879.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Morrison R. Waite, Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
} Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. George H. Williams it is ordered that Bela M. Hughes, Esquire, of Denver, State of Colorado, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. T. J. Durant it is

ordered that F. T. Dewees, Esquire, of Pottsville, State of Pennsylvania, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. H. A. Smith it is ordered that John H. Bell, Esquire, of Zanesville, State of Ohio, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

The Flagstaff Silver Mining Company of Utah (Limited)	In Error to the Supreme Court of the Territory of Utah.
978. vs. Hoffin Error	
Helen Tarbet	

This cause came on to be heard on the transcript of the record from the Supreme Court of the Territory of Utah, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the

same is hereby, affirmed with costs.
per Mr. Justice Bradley.

The Board of County Commissioners of the County of Bourbon, Kansas.
231. vs. Plff in Error.
John N. D. Block.
and
John N. D. Block.
230. vs. Plff in Error.
The Board of County Commissioners of the County of Bourbon.

In Error to the Circuit Court of the United States for the District of Kansas.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Kansas, on writ of error and cross writ, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court, in this cause, be, and the same is hereby, affirmed with costs and interest, until paid, at

the same rate per annum that similar judgments bear in the Courts of the State of Kansas.

Per Mr. Justice Strong.

(Mr. Justice Clifford dissented from the judgment in No. 231.)

James H. Denver and Charles F. Peck.	Appeal from the Supreme Court of the District of Columbia.
240. vs. Appellants	
Archibald Keane, Executor of James Hughes, deceased.	

This cause came on to be heard on the transcript of the record from the Supreme Court of the District of Columbia, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs; And that this cause be, and the same is hereby, remanded to the said Supreme Court with instructions to enter a decree in

conformity with the opinion of this Court.
per Mr. Justice Strong.

Samuel K. Brick and
The Washington Gas Light
Company.
933. vs. Appellants
Julia E. Brick, Edward
D. White, and James How, Ex
ecutors of Joseph I. Brick.

Appeal from
the Supreme
Court of the
District of
Columbia.

This cause came on to be heard on the tran-
script of the record from the Supreme Court
of the District of Columbia, and was ar-
gued by counsel. On consideration where-
of, it is now here ordered, adjudged, and
decreed by this Court that the decree of the
said Supreme Court, in this cause, be,
and the same is hereby, reversed with
costs; and that this cause be, and the
same is hereby, remanded to the said Su-
preme Court with directions to dismiss
the bill.

per Mr. Justice Field.

1078. The United States
vs. Appellant
Josiah Winchester,
Executor of John C.
Jenkins, deceased.

Appeal from
the Court of
Claims.

This cause came on to be heard on the
transcript of the record from the Court of
Claims, and was argued by counsel.
On consideration whereof, it is now
here ordered and adjudged by this
Court that the judgment of the said
Court of Claims, in this cause, be, and
the same is hereby, affirmed.

Per Mr. Justice Field.

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216. The United States
vs. Plaintiffs
Charles A. Jermaine.

On a certificate of
division in opinion
between the Judges
of the Circuit Court
of the United States for the District of Maine.

This cause came on to be heard on the tran-
script of the record from the Circuit Court
of the United States for the District of Maine.

and on the points or questions on which the Judges of the said Circuit Court were opposed in opinion, and which were certified to this Court for its opinion, agreeably to the act of Congress in such case made and provided, and was argued by counsel. On consideration whereof, It is the opinion of this Court that the first question be answered in the negative and the 2nd. that judgment on demurrer should be given for the defendant. Whereupon, it is now here ordered and adjudged by this Court that it be so certified to the said Circuit Court.

Per Mr. Justice Miller.

	George W. Atwood, Anna M. Atwood and Adolph Mayer.	In Error to the Circuit Court of the United States for the Northern District of Florida.
236.	vs.	
	Henry C. Reems, as Executor of T. H. Reems, and in his own right, B. F. Reems et al.	

This cause came on to be heard on the transcript of the record from the Circuit

Court of the United States for the Northern District of Florida, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Miller.

James S. Clark and Edward Fulton, partners under the firm-name of J. S. Clark & Company. vs. The United States. | Appeal from the Court of Claims.

111

This cause came on to be heard on the transcript of the record from the Court of Claims, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause, be, and the same is hereby, affirmed.

Per Mr. Justice Swayne.

Dissenting:
Mr. Justice Miller
" " Field,
Bradley

254. Thomas J. Phelps, Assignee &c. vs. A. F. McDonald and William White. | Appeal from the Supreme Court of the District of Columbia.

This cause came on to be heard on the transcript of the record from the Supreme Court of the District of Columbia, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs; And that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings to be had therein in conformity with the opinion of this Court.

Per Mr. Justice Swayne.

Dissenting:
Mr. Justice Miller
" " Field.

The Congress & Empire Spring Company. vs. Riff in Error, Ann P. Edgar	In Error to the Circuit Court of the United States for the Northern District of New York.

255.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Northern District of New York, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court, in this cause, be, and the same is hereby, affirmed with costs and interest, until paid, at the same rate per annum that similar judgments bear in the Courts of the State of New York.

Per Mr. Justice Clifford.

Gardner R. Colby, Charles L. Colby, Joseph L. Colby, and Henry L. Colby, Executors of Gardner Colby, deceased.
vs. Plffs in Error
943. George Reed. | In Error to the Circuit Court of the United States for the Eastern District of Wisconsin.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Wisconsin, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court, in this cause, be, and the same is hereby, affirmed with costs and interest, until paid, at the same rate per annum that similar judgments bear in the Courts of the State of Wisconsin.

per Mr. Justice Clifford.

The Town of Waganuega
vs. Plff in Error,
944. Charles H. Ayling. | In Error to the Circuit Court of the United States for the Eastern District

of Wisconsin.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Wisconsin, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be, and the same is hereby, affirmed with costs and interest until paid, at the same rate per annum that similar judgments bear in the Courts of the State of Wisconsin.

Per Mr. Chief Justice Waite.

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258. The United States vs. James N. Morgan, Richard K. Hunt, Frederick C. Frankestal. | In Error to the Circuit Court of the United States for the District of California.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of California.

and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court, in this cause, be, and the same is hereby, affirmed.

Per Mr. Chief Justice Waite.

Mrs. M. E. Burke vs. Louis Fregre, Alphonse Millenberger and William F. Halsey, Intervenors.

In Error to the Supreme Court of the State of Louisiana.

253.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Louisiana, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Waite.

William G. H. Jaeger, William K. Jaeger, and Alfred F. Ullman.	Appeal from the Supreme Court of the District of Columbia.
232. vs. Appellants	
Hedekiah A. Moore.	

This cause came on to be heard on the transcript of the record from the Supreme Court of the District of Columbia, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Supreme Court, in this cause, be, and the same is hereby, reversed as to the appellant Ullman, but in all other respects affirmed; and that this cause be, and the same is hereby, remanded to the said Supreme Court with instructions to dismiss the bill as to Ullman and, to foreclose the deed of trust under which the appellee claims only against that part of the premises therein described which has not been conveyed to Ullman. The costs in this Court to be paid one-half by the appellants William G. H.

Jaeger and William R. Jaeger and one-half by the appellees.

Per Mr. Chief Justice Waite

George A. Ketchum, U. S. Marshal, &c., Thomas J. Riley, vs. Piffin Error — George H. Blue Kley.	In Error to the Supreme Court of the State of Alabama.

766

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Alabama, and on the motion to dismiss or affirm which was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Waite

Edward Jaeger vs. Piffin Error & Charles L. Bennett.	In Error to the Court of Appeals of the State of New York.

826.

Monday, May 5, 1879, continued.

This cause came on to be heard on the transcript of the record from the Court of Appeals of the State of New York and on the motion to dismiss which was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Waite.

	Robert P. Dodge, Philip A. Darnell & Jno. A. Barber.	Appeal from the Supreme Court of the District of Columbia.
311.	vs. Appellants,	
	Samuel Strong.	

This cause came on to be heard on the transcript of the record from the Supreme Court of the District of Columbia and on the motion to dismiss, which was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed, each party paying their own costs.

Per Mr. Chief Justice Waite.

87.	John S. Dumont vs. The Des Moines Valley Railroad Co.	Appellant	On consideration of the motion for leave to file a bill of review in the Circuit Court in this cause, and of the argument of counsel thereupon had as well in support of as against the same, It is now here ordered by the Court that said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Waite

1055	H. H. Chatfield et al. vs. H. F. Boyle et al.	Appellants Appellees	Ordered by the Court that the further consideration of the motion to dismiss this cause be, and the same is hereby, postponed until the hearing on the merits.

903.	Josephine Faust vs. William H. Gerdes et al.	Appellant	On consideration of the motion to dissolve the injunction granted in this cause and of the argument of counsel thereupon had, as well in support of as against the

same, It is now here ordered by the Court that said motion be, and the same is hereby, granted; and that the injunction granted September 16, 1878, be, and the same is hereby, dissolved.

per Mr. Chief Justice Waite

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180. George Reynolds vs. Plff in Error — The United States

Ordered by the Court that the judgment of affirmance entered by this Court in this cause on the 6th of January, A. D. 1879, be, and the same is hereby, rescinded and annulled.

per Mr. Chief Justice Waite.

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180. George Reynolds vs. Plff in Error — The United States.

In Error to the Supreme Court of the Territory of Utah

This cause came on to be heard on the transcript of the record from the Supreme Court of the Territory of Utah, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by

this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Supreme Court with instructions to cause the sentence of the district court to be set aside and a new one entered on the verdict in all respects like that before imposed, except so far as it requires the imprisonment to be at hard labor.

Per Mr. Chief Justice Waite.

No. | The Bank of America vs. Riff in Error — Virginia Banks and N. D. Banks. | Ordered by the Court that the judgment of affirmance entered in this cause on the thirty-first day of March, 1879, be set aside and vacated, and that the cause be restored to its place upon the docket for hearing at the next term when reached.

Per Mr. Chief Justice Waite.

Monday, May 5, 1879. Continued.

The Central Pacific Railroad Company, Leland Stanford et al.	Appeal from the Circuit Court of the United States for the District of California.
772. vs. Appellants,	
Albert Gallatin.	

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of California, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Waite.

Dissenting:
Mr. Justice Field
" " Strong
" " Bradley

	The Union Pacific Railroad Company	Appeal from the Court of Claims.
1083.	vs. Appellant	
	The United States.	

This cause came on to be heard on the transcript of the record from the Court of Claims, and was argued by counsel On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Court of Claims, in this cause, be, and the same is hereby affirmed.

per Mr. Chief Justice Waite

Dissenting:
Mr. Justice Field
" " Strong
" " Bradley.

Order

The Reporter having represented that owing to the number of decisions at the term it will be impracticable to put the reports in one volume: It is now therefore ordered that he publish an additional volume in this year pursuant to Section 654.

the Revised Statutes.

Ellen Hallett et al. vs. The Kansas Pacific Railway Co. et al.	Appellants

Mr. M. H. Carpenter suggested the death of Ellen Hallett, one of the appellants in this cause, and moved the Court for leave to enter the appearance of Nixon M. Crane, Sole Executor of said Ellen Hallett, deceased, as one of the appellants in this cause. Whereupon it is now here ordered by this Court that Nixon M. Crane, Executor of the said Ellen Hallett, deceased, as aforesaid, be, and he is hereby, entered and made a party appellant in this cause in place of said Ellen Hallett, deceased, with liberty to prosecute this appeal.

Thomas Leffel, Henry C. Barnett and Samuel McPherson, partners doing business under the firm name and style of Leffel, Barnett & Company.

3010. vs. Appellants

Jas. S. Goode and John H. Brockwalter, Executors of James Leffel, dec'd, and William Foos, John H. Brockwalter, Mary A. Leffel, and Samuel Foos, partners doing business under the firm name and style of James Leffel & Company.

Appeal from the Circuit Court of the United States for the Southern District of Ohio.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of Ohio, and on the stipulation of counsel on file and motion of Mr. Fillmore Beall, in behalf of counsel, It is now hereby ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed with costs.

Per Mr. Chief Justice Waite

1093.	Philo C. Calhoun and George Ostyke, Trustees. vs. The St. Louis & Southeastern Railway Company (Consolidated) et al.	Appeal from the Circuit Court of the United States for the District of Kentucky.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Kentucky, and on the stipulation of counsel on file and motion of Mr. E. G. Hall, of counsel for the appellees, It is now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed, each party paying their own costs.

Per Mr. Chief Justice Waite.

1132.	Taylor Strauder vs. Error to The State of West Virginia.	On motion of Mr. Willoughby it is ordered that this cause be advanced and assigned for

argument on the 2nd day of the next

term after the cases already assigned for that day.

The Goodyear Dental Vulcanite Co.	Mr. H. Baldwin filed motion to advance this cause.
575. vs. Appellant	
Charles G. Davis.	

The United States	On motion of Mr. C. H. Hornor it is ordered
1163. vs. Appellant	that this cause be, and
Erskine Peret et al.	the same is hereby, con-

tinued until the next term of this Court.

Order

It is now here ordered by the Court that all the cases on the docket not decided and all the other business of the term not disposed of by the Court be, and the same is hereby, continued to the next term of this Court.

Proclamation being made the Court is adjourned to the time and place appointed by law.

Minutes
of the
Supreme Court
of the
United States
October Term
-1879-

Monday October 13th 1879

At the Capitol of the United States in the City of Washington and District of Columbia being the present seat of the National Government of the United States on the Second Monday of October (being the thirteenth day of the same month) in the year of our Lord, One thousand, eight hundred and seventy nine and of the Independence of the United States the One hundred and fourth, the Supreme Court of the United States met agreeably to law.

Present.

The Honorable Morrison R. Waite, Chief-Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
John M. Harlan
Associate Justices

John G. Nicolay, Esquire Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. J. H. Field it is ordered that John Lyon Esquire of Richmond, State of Virginia be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Philip Phillips it is ordered that Philo Chase, Esquire of New York City and Hayford B. Clark, Esquire of Mobile State of Alabama be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. F. P. Stanton it is ordered that Minor Merriwether Esquire of Memphis State of Tennessee be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.—

On motion first made to the Court in this behalf by Mr. L. A. Pike it is ordered that John M. Hinsdale Esquire of Raleigh State of North Carolina be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.—

60	Joseph P. Woodman and Biddle Reeves vs. Plaintiffs in Error Benton Barringer, Daniel Ballard, R. F. McKinney, Robert H. Evans John Cass and John J. Stewart	In Error to the Supreme Court of the Territory of Montana

This cause came on to be heard on the transcript of the record from the Supreme Court of the Territory of Montana and on the stipulation of counsel on file and motion of Mr. J. M. Wilson of counsel for the plaintiffs in Error it is now here ordered and adjudged by this Court that the writ of Error in this cause be and the same is hereby dismissed with costs.

per Mr. Chief Jus. Waite.

Monday October 13th 1879. continued.

17 The Bank of America vs. Pfff in Error, Virginia vs. C. D. Banks. | On motion of Mr James Lowndes it is ordered that this cause be passed on account of sickness of counsel.

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5 Ex parte: In the Matter of Thos. R. Lord original Petitioner. | On motion of Mr Geo. H. Boutwell leave is hereby granted him to file petition for writs of Habeas Corpus and Certiorari and that said petition be assigned for argument on Monday the 27th instant.—

The Chief Justice announced that the Court would commence the call of the docket tomorrow under the 26th rule.—

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Tuesday October 14th 1879.

Pursuant to adjournment the Court met today at the Capitol.

Present -

The Honorable Morrison R. Waite, Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan
} Associate Justices

John F. Nicolay, Esquire, Marshal
Daniel Kesler Middleton, Clerk

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Philip Phillips it is ordered that J. Holdsworth Gordon, Esquire of Washington City, District of Columbia and D. I. H. Armstrong of Louisville State of Kentucky be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

Tuesday October 11th 1870 Continued.

On motion first made to the Court in this behalf by Mr. H. F. Watting- to it is ordered that Charles H. Hast- ler, Esquire of New York City be ad- mitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.—

On motion first made to the Court in this behalf by Mr Attorney General Devens it is ordered that Charles C. Sheridan Esquire of New York City and Robert White Esquire of Carolina State of West Virginia be admitted to prac- tice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr L. F. Youmans it is ordered that Wm H. Brawley Esquire of Charleston State of South Carolina be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

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941 The Pennsylvania Steel Co. vs. Appellant
Wm Butler Duncan and S. L. M. Barlow surviving trustees et al.—

Mr. John Lyon moved the Court for an order on the Clerk to print the record in this cause. Whereupon this Court not being now sufficiently advised of and concerning what order to render in the premises took time to consider.—

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940 William F. Weeks vs. Pff in Error Robert Gilbert et al.

Mr. D. Phillips moved the Court to pass this cause. Whereupon this Court not being now sufficiently advised of and concerning what order to render in the premises took time to consider.—

	Charles H. Kittland	Mr. C. C. Sundam
23	vs. Pff. in Error	moved the Court
	L. L. Hotchkiss	to pass this cause

Whereupon this Court not being now here sufficiently advised of and concerning what order to render in the premises took time to consider.

	Miner Meriwether, Receiver &c.	Mr Miner Meri-
916	vs. Appellants	wether of counsel
	Robert Garrett & Sons et al.	for the appellants

filed and submitted to the consideration of the Court motion to advance this cause. Whereupon this Court not being now here sufficiently advised of and concerning what order to render in the premises took time to consider.

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29 The Delaware Railroad Construction Co. et al. vs. L. H. Meyer et al, Trustees. Appellants,

30 The Delaware Railroad Construction Co. et al. vs. L. H. Meyer et al Trustees and L. H. Meyer et al Trustees &c vs. The Delaware Railroad Construction Company. Pffs. in Error,

260

On motion of Mr. E. F. Hassler leave is hereby granted him to file brief in these cases.

Ex parte: Augustus F. Clarke Petitioner

Mr. Geo. Headley moved the Court for leave to file and docket this cause under the order made by Mr. Justice Strong or for leave to file petition for writ of Habeas Corpus. Thereupon this Court not being now here sufficiently advised of and concerning what order to render in the premises took time to consider.—

Ex parte in the matter of Robert Tibold, Walter Tucker, Martin V. Burns Lewis Coleman and Henry Powers. — Petitioners —

Mr. Bradley T. Johnson moved the Court for leave to file petitions for writ of Habeas and Certiorari in these cases. Whereupon this Court not being now sufficiently advised of and concerning what order to render in the premises took time to consider. —

Robert Smalls vs. Plff. in Error
The State of South Carolina —

In Error to the Supreme Court of the State of South Carolina —

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of South Carolina and on the motion of Mr. L. T. Youmans of counsel for the defendant in Error and consent of Mr. C. C. Cole of counsel for the plaintiff in Error it is hereby

ordered and adjudged by this Court that the writ of Error in this cause be and the same is hereby dismissed with costs.

per Mr. Chief Justice Waite

The State ex rel Douglass and Jackson
345 vs Plff. in Error.
Peter C. Gaillard County Treasurer &c
and
The State ex rel William L. Trenholm Executor &c.
376 vs. Plff. in Error.
Peter C. Gaillard County Treasurer &c.

Mr L. T. Townsend filed and submitted to the consideration of the Court motion to advance these cases.

George W. Patton et al.
14 vs Appellants
Wm H. Edwards et al.

On motion of Mr Thos. Wilson and consent of opposing counsel, it is ordered that this cause be and the same is hereby continued until the next term.

Ex parte: In the matter of the Commonwealth of Virginia.
3 original. Petitions

On the motion of Mr. Attorney General Devens it is ordered that four hours be allowed each side on the argument of this cause.—

Ex parte: In the matter of the Commonwealth of Virginia.
3 original. Petitions.

The argument of this cause was commenced by Mr. Jas. G. Field of counsel for the petitioner and continued by Mr. W. Willoughby on opposition to the petition.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Wednesday October 15th 1879

Pursuant to adjournment the Court met today at the Capitol.

Present:

The Honorable Morrison R. Waite	Chief Justice
Nathan Clifford	Associate Justices
Noah H. Swayne	
Samuel F. Miller	
Stephen J. Field	
William Strong	
Joseph P. Bradley	
John M. Harlan	
John F. Nicolay, Esquire	Marshal
Daniel Wesley Middleton,	Clerk

Proclamation being made the Court is opened.

No. 75	William F. Weeks Plff in Error vs. Robert Elphets et al.	On consideration of the motion of Mr. D. Phillips it is ordered that this cause be passed when reached and placed at the foot of the call for January 6th 1880.

Charles M. Kittland 33 U.S. Plff in Error L. L. Robbins	On consideration of the motion of Mr. C. C. Huydam

to pass this cause it is therefore ordered by the Court that said motion be and the same is hereby denied.—

Ex parte: Augustus F. Clarke Petitioner	On consideration of the motion

of Mr George Bradley it is ordered that leave be and the same is hereby granted him to file petition for writ of Habeas Corpus in this case.

Ex parte: In the matter of Albert Seibold, Walter Tucker, Martin S. Burns, Lewis Coleman & Henry Bowers. Petitioners	On consideration of the motion of Mr Bradley T. Johnson it is ordered that leave

be and the same is hereby granted

him to file petition for writ of Habeas Corpus and Certiorari in this cause.-

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Ex parte: In the matter of the Commonwealth of Virginia 3 original Petitioner	The argument of this cause was continued by Mr. H. Wilcoughby and Mr. Attorney General Reeves in opposition to the petition and by Mr. R. J. Robertson of counsel for the petitioners.

Sherman C. Ricker 933 vs. Appellant Nathan Powell et al.	This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. W. H. Fuller and Mr. H. C. Sandy of counsel for the appellant and by Rosenthal and Pence and Mr. E. F. Tatham of counsel for the appellees under the 20th rule.-

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Thursday October 16th 1879

Pursuant to adjournment the Court met today at the Capitol.

Present

The Honorable Morrison R. Waite — Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field — Associate justices
William Strong
Joseph P. Bradley
John M. Harlan

John C. Brecken, Esquire Marshal
Daniel Kesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr Attorney General Devens it is ordered that Edward G. Mason Esquire of Chicago, State of Illinois be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr R. F. Merrick it is ordered that Alexander D. Hales Esquire of Binghampton, State of New York be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

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563 William Cummings Treasurer &c. vs. The Merchants National Bank of Toledo.

On motion of Mr George Hoadley it was ordered that this cause be reassigned for argument on the 1st of December next to be placed at the foot of the call for that day.—

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827 S. H. Pelton, Treasurer &c vs. The Commercial National Bank of Cleveland, Ohio.

On motion of Mr. George Hoadley it is ordered that this cause be advanced and assigned

for argument with No 563.

Louis Shulman, Louis Stadler and David Keil partners as Shulman, Stadler and Keil and Thomas Joseph. —

10 vs Plffs in Error

David A. Brown, George A. Keyt, James S. Moore Benjamin Chew and Harry C. Keyt partners as David A. Brown & Co.

In Error to the Supreme Court of the State of Alabama.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Alabama and on the authority of counsel for the plaintiffs in Error on file and motion of Mr R. T. Merrick it is hereby ordered and adjudged by this Court that the writ of Error in this cause be and the same is hereby dismissed with

costs.

per Mr. Chief Justice Waite

Louis Shulman, Louis Goetter and David Keil partners as Shulman, Goetter & Keil & Thomas Joseph.
Pffs in Error
vs.
Samuel Coffin & Joseph Clitemus partners as Coffin & Clitemus.

In Error to the Supreme Court of the State of Alabama.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Alabama and on the authority of counsel for the plaintiffs in Error on file and motion of Mr. R. F. Merrick it is now here ordered and adjudged by this Court that the writ of Error in this cause be and the same is hereby dismissed with costs.

Mr. Chief Justice Waite

Thursday October 16th 1879. Continued.

Ex parte: In the matter of the Commonwealth of Virginia
3 original Petitions.

The argument of this cause was concluded by Mr. W. J. Robertson in support of the petition.

Ex parte: In the matter of the Commonwealth of Virginia and J. D. Coles
4 original Petitioners

On motion of Mr W. J. Robertson it is ordered that three hours be allowed each side in the argument of this cause.—

Ex parte: In the matter of the Commonwealth of Virginia and J. D. Coles.
4 original Petitioners.

The argument of this cause was commenced by Mr. Jas. L. Field in support of the petition and continued by Mr. Assistant Attorney General Smith in opposition to the petition.

Thursday October 16th 1879 Continued.

	Matthew S. Baldwin	This cause was
501	vs	submitted to the
	Appellant	consideration of
	S. Bowers, Treasurer	the Court on the
	&c. et al	record and print

ed arguments by Mr. J. F. Hanna and Mr. J. H. Johnson of counsel for the appellant and by Mr. C. F. Irwin for the appellees under the 20th rule.

Proclamation being made the Court was adjourned until tomorrow at twelve o'clock.

Friday October 17th 1879.

Pursuant to adjournment the Court met today at the Capitol.

Present

The Honorable Morrison R. Waite	Chief Justice
Nathan Clifford	Associate Justices
Noah H. Swayne	
Samuel F. Miller	
Stephen J. Field	
William Strong	
Joseph P. Bradley	
John M. Harlan	

John G. Nicolay Esquire Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Assistant Attorney General Smith it is ordered that W. D. Dodd Esquire of Louisville State of Kentucky and Albion Cole Esquire of Chicago State of Illinois be admitted to practice as attorneys and counsellors of this Court and they have sworn accordingly.

Friday October 17th 1879 Continued.

On motion first made to the Court in this behalf by Mr. H. Willoughby it is ordered that Jas. H. Green, Esquire of Culpeper State of Virginia be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

George H. Trimmell and 23 others
Pffs. in Error
The Chicago, R. I. & Pacific Railroad Co. et al

Mr. A. L. Hemkle filed motion to docket these writs of Error as one cause.

Expatte: In the matter of the Commonwealth of Virginia and J. D. Coles
Original - Petitioners

The argument of this cause was continued by Mr. Assistant Attorney General Smith and Mr. Attorney General Devens in opposition to the petition and concluded by Mr. H. J. Robertson in favor of the petition.

Proclamation being made the Court is adjourned until Monday next at twelve o'clock.

Monday October 20th 1879

Pursuant to adjournment the Court met today at the Capitol

Present

The Honorable Morrison R. Waite — Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller — Associate Justices
Stephen J. Field — Associate Justices
William Strong — Associate Justices
Joseph P. Bradley — Associate Justices
John M. Harlan — Associate Justices

John F. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk

Proclamation being made the Court is opened.

1083 The Union Pacific R. R. Co. of Utah vs. The United States — Appellant

Mr. Chief Justice Waite delivered the opinion of the Court in this cause.

Dissenting —
Mr. Justice Strong
" " Bradley
" " Field

Each delivered separate opinions.

The Central Pacific R.R. Co. et al 972 of Oct Term 75. US. Appellants Albert Gallatin	Mr. Chief Justice Waite delivered the opinion of the

Court in this cause

Dissenting -

Mr. Justice Strong

" " Bradley

" " Field

The Pennsylvania Steel Co. 961 US. Appellant Wm. Butler Duncan et al surviving Trustees &c	On consideration of the motion of Mr. Johnson for an order

directing the Clerk to cause the record to be printed in this cause without further delay it is ordered that said motion be and the same is hereby denied -

per Mr. Chief Justice Waite

Minor Meriwether, Rec'r &c 916 US. Appellants Robert Garrett & Sons et al	On consideration of the motion to

ordered this cause it is ordered that said motion be, and the same is hereby granted and that the cause be assigned for argument on the 1st of December next to be placed at the foot of the call for that day.

The State Ex rel Douglass & Jackson
748 vs. Appeal in Error
Peter E. Maillard, County Treas'r.
and
The State Ex rel Wm L. Trenholm &c
776 vs. Appeal in Error
Peter E. Maillard, County Treas'r.

On consideration of the motion heard and these causes it is ordered that said motion be, and the same is hereby granted; and that the cause be assigned for argument on the 10th of November next to be placed at the foot of the call for that day.

The City of New Orleans
871 vs. Appellants
John A. Morris et al

Mr. P. Phillips filed and submitted to the consideration

of the Court motion to advance this cause.

Ex parte: In the matter of The Denver & Rio Grande Railway Company Petitioner

On motion of Mr. Jas. Grant leave is hereby granted him to file petition for writ of Mandamus in this cause.

Ex parte: In the matter of Isa. H. French & original Petitioner

On motion of Mr. John Cy. Reids leave is hereby granted him to file petition for writ of Mandamus in this cause with leave to Mr. H. A. Smith to file answer thereto and case assigned for argument on Monday the 27th inst.

Ex parte: In the matter of Angus D. Perry et al & original Petitioners

On motion of Mr. R. S. Bennedict leave is hereby granted him to file petition for writ of Man-

damages in this cause.

792	The State Exrel The Southern Bank — vs Plff in Error Edward Pilsbury Mayor &c.	Mr John C. Campbell submitted to the consideration of the Court motion to advance this cause.

1001	The State of Georgia vs Appellant Illonois R. Jessup surviving trustee &c.	Mr L. T. Ely filed and submitted to the consideration of the Court, motion to advance this cause.

725	Robert C. Duggar shal. vs Plff in Error H. F. Brockshal.	The motion to dismiss this cause was submitted to the consideration of the Court on printed arguments by Mr. J. T. Jones and Mr. W. L. Woods in support of the same and by Mr. S. L. Phillips in opposition thereto.

910 The American Middlings Purifier Company vs. Appellant
The Atlantic Milling Co.
and
The American Middlings Purifier Company
911 vs. Appellant
John C. Christian et al

Mr. Rodney Mason filed and submitted to the consideration of the Court a motion to advance these causes and assign them for argument as one cause.

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403 Lewis Leitzel Collector of Internal Revenue vs. Pltff in Error
James H. Goff & Co. Deft in Error.

In Error to the Circuit Court of the United States for the Southern District of Ohio.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of Ohio and on the stipulation of counsel on file and motion

of Mr. C. F. Moulton it is now here ordered and adjudged by this Court that the writ of Error in this cause be, and the same is hereby dismissed.

per Mr. Chief Justice Waite

	Alexander Fraser et al.	The motion to dismiss this cause was submit-
953	vs. Plff in Error	
	William Jamison et al.	

ted to the consideration of the Court on printed arguments by Mr. H. A. Moore in support of the same and by Mr. H. M. Duffield in opposition thereto.—

	Thomas Sayles	On motion
739	vs. Appellant	of Mr. F. Wil-
	The Lake Shore	loughby leave
	and Michigan South-	is hereby grant
	ern Railway Company.—	ed Mr. A. H.
		Parker to file

brief on behalf of the appellant in this cause.—

739	Thomas Sayles vs. appellant The Lake Shore and Michigan Southern Railway Company.-	This cause was submitted to the consideration of the Court on the on the record

and printed arguments by Mr A. H. Walker of counsel for the appellant and by Mr George Payson of counsel for the appellee under the 20th rule.-

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753	Taylor Standard vs. Pff in Error The State of Kentucky.	The argument of this cause was commenced by Mr Geo.

O. Davenport of counsel for the plaintiff in Error and continued by Mr Robert White of counsel for the defendant in Error.-

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No 3 | Louis Heitzel Collector of Internal Revenue vs U.S. Aff. in Error James H. Goff et al. | On motion of Mr. E. H. Moulton leave is hereby granted the Clerk to issue the mandate in this cause.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Tuesday October 21st 1879

Pursuant to adjournment the Court met today at the Capitol.

Present

The Honorable Morrison R. Waite — Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan — Associate Justices

John F. Nicolay, Esquire, Marshal
Daniel Kelley Middleton, Clerk.

Proclamation being made the Court is opened.

Vivian M. Crane, Executor of Ellen Hallett et al vs Appellants The Kansas Pacific Railway Company	On motion of Mr M. H. Carpenter it is ordered that this cause be

2

passed, to be argued immediately after No 62 in the regular call.

Tuesday October 21st 1879 Continued.

383	Taylor Stander vs Pfff. in Error The State of Nashville	The argument of this cause was continued by Mr Robert White and Mr James H. Green of counsel for the defendant in Error and concluded by Mr Attorney General Lewis for the plaintiff in Error.

720.	The State of Tennessee vs Plaintiff James H. Davis	The argument of this cause was commenced by Mr. B. J. Lea of counsel for the plaintiff and continued by Mr Assistant Attorney General Smith of counsel for the defendant.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Wednesday October 22nd 1879

Pursuant to adjournment the Court met today at the Capitol.

Present

The Honorable Morrison R. Waite Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller Associate
Stephen J. Field Justices
William Strong
Joseph P. Bradley
John M. Harlan

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened.

Ex parte: In the matter of the Denver & Rio Grande Railway Company - original - Petitioner

Mr. Whitelaw Reid moved the Court to assign a day for the argument of this cause: Whereupon the Court not being now sufficiently advised of and concerning what order to render in the premises, took time to consider.

1013	Albert Grant vs. Appellant The Phenix Mutual Life Insurance Co.	Mr R. T. Merrick of counsel for the appellee having filed and read in open Court

the following certificate to wit:

Clerks Office Supreme Court of the District of Columbia—

Phenix Mutual Life Insurance Co.

vs.

Albert Grant et Thomas Bradley and Enoch Totten, Trustees—Lewis Lactomus—William P. Ellison, Trustee—Albert G. Riddle and William D. Baldwin, Trustees—S. Ledyard Phelps, Edwin M. Gallaudet and Talbert E. Paine, Trustees—William H. Rhawn, Henry S. Davis and R. H. Dounman, Trustees—Lewis B. Pierce and Talbert E. Paine, Trustees—Horatio Browning, Leonidas Scott, John F. Sullivan, John Fraser, Joseph Cunningham, John H. Kennedy and John E. Kendall.

This is to certify that on the 2nd day of June 1879 the decree of the general

term in said Court was made, affirming decree of special term - that on the 2nd day of July defendant Grant by his order to the Clerk of said Court, entered his appeal from said decree in General Term to the Supreme Court of the United States.

In testimony whereof I hereto subscribe my name and affix the seal of said Court Oct. 22nd 1879

(Seal)

R. J. Meigs, Clerk

By R. J. Meigs Jr. Asst. "

And having stated that the appellant had altogether failed to file the record of said cause in this Court or in any way to prosecute said appeal, now here moved the Court in pursuance of the 9th rule of this court to have this appeal docketed and dismissed. In consideration whereof it is now here ordered, adjudged and decreed by this Court that this appeal from the

Supreme Court of the District of Columbia be, and the same is hereby dockeded and dismissed with costs: and that this cause be, and the same is hereby remanded to the said Supreme Court to be proceeded in according to law and justice.

per Mr. Chief Justice Waite

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17 James B. Buster vs. Pltf in Error
J. B. Thomas

The death of Mr. J. B. Thomas the defendant in Error having been suggested at a prior term of the Court it is now on motion of Mr. R. T. Merrick ordered that Anthony H. Thomas legal representative of the said J. B. Thomas deceased as aforesaid be and he is hereby entered and made the party defendant in Error in this cause with liberty to recall this writ of Error

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Wednesday October 22nd 1879 continued.

720	The State of Tennessee vs Plaintiff James W. Davis	The argument of this cause was continued by Mr. Assistant Attorney General Smith and Mr. Attorney General Devens of counsel for the defendant and concluded by Mr. James G. Field of counsel for the plaintiff.—

705	The United States vs. Plaintiff Emil Steffens and The United States 719 vs. Plaintiff Adolph Hillman	The cases were argued by Mr. Attorney General Devens of counsel for the plaintiffs.

	The United States vs. Plaintiff H. H. Johnson et al.	The argument of this cause was commenced by Mr. Geo. Hoadley of counsel for the defendants.—

Wednesday October 22nd 1879 Continued

463	Taylor Saunders vs. Plff. in Error The State of West Va.	Ordered that leave be granted Mr. Green and Mr. R. White to file additional briefs in this cause.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Thursday October 23rd 1879

Pursuant to adjournment the Court met today at the Capitol.

Present

The Honorable Morrison R. Waite — Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller — Associate
Stephen J. Field — Justices
William Strong
Joseph P. Bradley
John M. Harlan

John G. Nicolay Esquire, Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. F. H. McPherson it is ordered that William Dallam Esquire of Flemington, State of New Jersey and J. H. Whitaker Esquire of Jamestown, State of New York, be admitted to practice as attorneys and counsellors of this Court and they were sworn

accordingly.—

	The Cincinnati & Chicago Air Line Railroad Co.	On motion of Mr George Headley it is ordered that this cause be passed when reached in the regular call.
98	vs. Appellant	
	James Pullan, Trustee	

	The United States	The argument of this cause was continued by Mr Attorney General Devens of counsel for the plaintiff and concluded by Mr George Headley for the defendants.—
119	vs. Plaintiff	
	W.H. Johnson et al	

	The United States	This cause was argued by Mr Solicitor General Phillips of counsel for the plaintiff and submitted on printed argument by Mr George Headley of counsel for the defendants.
179	vs. Plaintiff	
	Herman Hirsch et al	

Thursday October 23rd 1879. Continued.

Ex parte: In the matter of Augustus F. Clarke
6 original: Petitioner

The argument of this cause was commenced by Mr. R. G. Merrick of counsel for the petitioner and continued by Mr. Assistant Attorney General Smith and Mr. Attorney General Devens in opposition to the petition and by Mr. George Headley for the petitioner.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Friday October 24th 1879

Pursuant to adjournment the Court met today at the Capitol.

Present

The Honorable Morrison R. Waite — Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan — Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Kesley Middleton, Clerk

Proclamation being made the Court is opened.

	The Memphis & Charleston Railroad Company		In Error to the Circuit Court of the United States for the Northern District of Alabama.
113	75	Motion for Error	
	Lizzie Copeland, Administratrix of Alexander Copeland, deceased.		

This cause came on to be heard on

The transcript of the record from the Circuit Court of the United States for the Northern District of Alabama and on the authority of counsel for the plaintiff in Error file and motion of Mr. George Headley on behalf of counsel it is now here ordered and adjudged by this Court that the writ of Error in this cause be, and the same is hereby dismissed with costs.

per Mr. Chief Justice Waite

The Memphis & Charleston Railroad Company vs. Alfred Pratt The State of Tennessee etal.

On motion of Mr. George Headley leave is hereby granted him to file brief in this cause.

Ordered that twenty cases be assigned for Monday the 27th inst. on regular call.

Friday October 31st 1879. continued.

	Samuel Kahn	
1135	vs	In Error to
	The Old Telegraph	the Supreme
	Mining Co, L. E. Holden, J. W. Kerr, A. Wadeworth, F. H. Meyers, William Sloan, Isaac Morris & William McQueen	Court of the Territory of Utah.

This cause came on to be heard on the transcript of the record from the Supreme Court of the Territory of Utah and on the stipulation of counsel on file and motion of Mr. C. S. Morse on behalf of counsel it is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby dismissed with costs.—

per Mr. Chief Justice Waite.

731 John L Laramore
vs
Alonzo McKinzie,
William Chastain,
Alonzo S. McKinzie
and his wife Elizabeth,
James McKinzie and
his wife Martha
McKinzie and
Morgan Chastain.

In Error to
the Supreme
Court of the
State of Georgia

This cause came on to be heard on
the transcript of the record from the
Supreme Court of the State of Georgia
and on the authority of counsel for
the plaintiff in error on file and
motion of Mr A. P. Morse in behalf
of counsel it is now here ordered and
adjudged by this Court that the
writ of error in this cause be, and
the same is hereby dismissed.
Clerk's costs in this Court to be paid
by the plaintiff in Error.—

Per Mr. Chief Justice Waite

Friday October 3d 1879 Continued.

Exparte: In the matter of Augustus T. Clarke 6 original. Petitioner	The argument of this cause was concluded by Mr. George Headley of counsel for the petitioner.

Exparte: In the matter of Albert Sibold, Xavier Rucker, Martin C. Burns, Lewis Coleman and Henry Bowers. 7 original. Petitioners	The argument of the petition for writs of Habeas Corpus and Certiorari in this cause was commenced by Mr. Bradley T. Johnson of counsel for the petitioners, continued by Mr. Attorney General Devens in opposition thereto and concluded by Mr. Johnson in support of the same.

William H. Farmer, Administrator of Charles H. Morrison, deceased.

vs. Plff. in Error

Porter J. Larkin, State Tax Collector of the Parish of Merchouse, State of Louisiana.

In Error to the Supreme Court of the State of Louisiana.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Louisiana and it appearing to the Court that this is the second time at which this case has been called for argument and that neither party is now prepared to argue the same it is considered by the Court that this cause should be dismissed at the cost of the plaintiff in Error pursuant to the 16th rule of this Court. Whereupon it is now here ordered, adjudged and decreed by this Court that this cause be, and the same is hereby dismissed.

with costs and that this cause be, and the same is hereby remanded to the said Supreme Court to be proceeded in according to law and justice.—

per Mr. Chief Justice Waite.

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3 Samuel F. Craig vs Appellant
Jacob Smith et al.

The argument of this cause was commenced by Mr. C. S. Whitman of counsel for the appellant.

Proclamation being made the Court is adjourned until Monday at twelve o'clock.

Monday, October 25th 1869.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Morrison R. Waite, Chief Justice

Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan
} Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. J. H. Ashton it is ordered that Edward Graham Adee, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by R. J. Morris Esquire, it is ordered that David T. Watson, Esquire, of Pittsburgh, and Telly McCullough, Esquire, of Greensburg, State of Pennsylvania, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

Monday October 27th 1879

	Sherman & Ricker	
933	vs	Appeal from the Circuit Court of the United States
	Nathan Powell et al	

for the Northern District of Illinois.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Northern District of Illinois and was argued by counsel. On consideration whereof it is now here ordered, adjudged and decreed by this Court that the decree of the said Circuit Court in this cause be, and the same is hereby affirmed with costs.-

per Mr. Chief Justice Waite.

501 Matthew S. Baldwin
vs
R. Bowers, Treasurer of Holmes County and W. L. Harriman, Sol. Eggleston et al composing the Board of Supervisors of Holmes County.

Appeal from the Circuit Court of the United States for the Southern District of Mississippi.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of Mississippi and was argued by counsel. On consideration whereof it is now here ordered and adjudged and decreed by this Court that the decree of the said Circuit Court in this cause be, and the same is hereby affirmed with costs.

per Mr. Chief Justice Waite.

	Hobart C. Dugger et al	On consideration
725	18 Pltffs in Error	of the motion to
	N. P. Babcock et al.	be dismiss this
		cause it is or-

dered that the further consideration of said motion be, and the same is hereby postponed until the hearing of the cause upon its merits.

per Mr. Chief Justice Waite.

	The City of New Orleans	On considera
874	15 Appellant	tion of the
	John A. Morris et al.	motion to
		advance this

cause it is ordered that said motion be, and the same is hereby denied.

per Mr. Chief Justice Waite.

	The American Middlings Purifier Company	On consideration of the motion to advance these causes it is ordered that said motion be, and the same is hereby denied. —
910	vs. Appellant	
	The Atlantic Milling Co.	
	and	
	The American Middlings Purifier Company	
911	vs. Appellant	
	John L. Christian & Co.	

per Mr Chief Justice Waite.

	The State of Georgia	On consideration of the motion to advance this cause it is ordered that said motion be, and the same is hereby denied. —
1001	vs Appellant	
	Morris K. Jesup Surviving Trustee &c. —	

per Mr Chief Justice Waite.

	Ex parte: In the matter of Augustus B. Berry, et al	On consideration of the motion of the petitioners it is ordered that the Judges of the Circuit
9	original Petitioners	

Court of the United States for the South-
ern District of New York show cause
before this Court or Justice thereof on November 10th
1879. if any they have, why the writ of
Mandamus asked for in this petition
should not be granted.—

per Mr. Chief-Justice Waite.

Ex parte: In the matter of
the Denver & Rio Grande
Railway Company
10 original Petitioners

On consid-
eration of the
motion to
assign this
cause for

argument it is ordered that this
cause be assigned for argument
on Monday the 5th of January 1880.—

The Western North
Carolina R.R. Co
632 vs Appellant
George F. Drew Sheriff &c.

Motion to dis-
miss filed mo-
tion to va-
cate the order
of dismissal

entered in this cause on the 22nd of
September which is ordered to be as-
signed for argument on the 17th of Nov.

The District of Columbia
William Lemmon, J. H.
Ketcham, S. L. Phelps
Commissioners and
Harvey Spalding
1028 vs Appellants
Charles King.

Mr. H. Hillough-
by of counsel for
the appellants ha-
ving filed and
read in open
Court the fol-
lowing certifi-
cate to wit:

Clerks Office Supreme Court of the
District of Columbia

Charles King — 5569
vs. — Equity
District of Columbia — Docket
William Lemmon — No 17.
J. H. Ketcham — Commissioners
S. L. Phelps and
Harvey Spalding

This is to certify that on the
10th of March 1879 in General Term of
said Court a decree on behalf of
complainant passed - that on April
8, 1879, defendant prayed and was allow-
ed their appeal to the Supreme Court
of the United States -

Witness my hand and the seal of

said S. C. of the D. C.
Oct. 24th 1879.
(Seal) R. J. Meigs, Clerk Sp.
By R. J. Meigs Jr. Asst.

and having stated that the appellants have altogether failed to file the record of said cause in this Court or in any way to prosecute said appeal now here moved the Court in pursuance of the 9th rule to have this appeal docketed and dismissed. On consideration whereof it is now here ordered, adjudged and decreed by this Court that this appeal from the Supreme Court of the District of Columbia be, and the same is hereby docketed and dismissed with costs: And that this cause be, and the same is hereby remanded to the said Supreme Court to be proceeded in according to law and justice.

Per Mr. Chief Justice Waite.

	Alexander R. Shepherd and his surety Lewis Clephane.	In Error to the Supreme Court of the District of Columbia.
550	vs. Plffs. in Error.	
	Otis Bigelow, Survivor of John F. Benjamin	

This cause came on to be heard on the transcript of the record from the Supreme Court of the District of Columbia and on the motion of Mr. S. S. Henkle of counsel for the defendant in error it is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby dismissed - Each party paying their own costs in this Court -

per Mr. Chief Justice Waite.

	The National Bank of the Republic -	The motion to dismiss this cause
246	vs. Plff. in Error.	was submitted
	Rees J. Millard.	to the

consideration of the Court on printed arguments by Mr. R. S. Hunley in supp

port of the same and by Mr. J. H. Bradley in opposition thereto. With leave to Mr. Mussey to file reply brief if deemed necessary.—

Jacob D. Trustman 142 vs Plff. in Error. The 1st National Bank of Mt. Pleasant, Pa	The motion to dismiss this cause was submitted to the consideration

of the Court on printed arguments by Mr. D. T. Watson in support of the same and by Mr. Kelly McCullogh in opposition thereto.—

Ex parte: In the matter of Ira G. French. 8 original Petitions.	The petition for a writ of Mandamus in this cause was

submitted to the consideration of the Court on printed arguments by Mr. John Reynolds in support of the same and by Mr W. K. Smith in opposition thereto.—

The Florida Central Railroad Company. vs. Appellant 1022 J. Fred Schutte et al.	Mr. W. H. Carpenter filed motion to vacate the supersedeas in in this cause,

and on motion of Mr P Phillips of counsel for the appellants it is ordered that leave be granted to them to file counter affidavits on appellees motion to vacate the supersedeas, and to examine as witnesses any of the parties whose affidavits have been filed by the appellees. The examination to be made before United States Commissioners convenient to the respective localities of said witnesses and to be completed and returned by the 17th day of November A.D. 1879.

Robert Tillson et al. vs. Appellants 21 The United States.	Mr. W. H. Carpenter filed motion to remand this cause to the

Court of Claims for additional findings.

Monday October 27th 1879. Continued.

Samuel F. Craig 3 vs Appellant Jacob Smith et al.	The argument of this cause was continued by Mr. C. S. Whitman of

counsel for the appellant and by Mr. W. H. Carpenter of counsel for the appellees and concluded by Mr. Whitman for the appellant.—

Daniel Hand 10 vs Aff. in Error Johnson Hagood Comptr Genl &c.	On motion of Mr. P. Phillips it is ordered that this cause be passed to

the foot of the docket.

Ex parte: In the matter of Alvin R. Reed. 5 original Petitioner	The petition for a writ of Habeas Corpus and Certiorari

in this cause was argued by Mr. George S. Boutwell in support of the same and by Mr. Attorney General Devens in opposition thereto.—

The Memphis & Charleston Railroad Company.	This cause was submitted to the consideration of the Court on the record
5 vs. Plff. in Error,	
The State of Tennessee et al.	

and printed arguments of the late Gideon J. Pillow of counsel for the plaintiff in error and by Mr. Headley and Mr. E. L. Andrews of counsel for the intervenors, and by Mr. D. J. Lea of counsel for the defendants in error.—

Thomas S. Dobbins and Michael D. Spurck, Peter E. Spurck, Thomas S. Dobbins and Simon J. Kilduff, Executors of George Spurck, deceased	In Error to the Circuit Court of the United States for the District of Iowa.—
6 vs. Plffs. in Error	
The United States.	

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Iowa and on the stipulation of counsel

on file it is now here ordered and adjudged by this Court that the writ of Error in this cause be, and the same is hereby dismissed at the cost of the plaintiffs in Error. And that the costs of the Court below be taxed against the same parties by the Clerk of that Court.

per Mr. Chief Justice Waite.

Thomas S. Robbins and Michael D. Spurck, Peter B. Spurck, Thomas S. Robbins, and Simon S. Kilduff, Executors of Storge Spurck, deceased
vs
The United States.

In Error to the Circuit Court of the United States for the District of Iowa.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Iowa, and on the stipulation of counsel on file it is now here ordered and adjudged by this Court that the writ of error in

this cause be, and the same is hereby dismissed at the costs of the plaintiffs in error, and that the costs of the Court below be taxed against the same parties by the Clerk of that Court.

per Mr. Chief Justice Waite

Thomas S. Dobbins and Michael D. Spruck, Peter E. Spruck, Thomas S. Dobbins and Simon S. Kilduff, Executors of George Spruck, deceased, Plffs in Error, v. The United States.

In Error to the Circuit Court of the United States for the District of Iowa.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Iowa and on the stipulation of counsel on file it is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby dismissed at the costs of the plaintiffs in error and

that the costs of the Court below be taxed against the same parties by the Clerk of that Court.

per Mr. Chief Justice Waite.

Thomas S. Dobbins and Michael D. Spurck, Peter E. Spurck, Thomas S. Dobbins and Simon J. Kilduff, Executors of George Spurck, deceased.

vs

The United States

In Error to the Circuit Court of the United States for the District of Iowa.

9

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Iowa, and on the stipulation of counsel on file it is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby dismissed at the costs of the plaintiffs in error: and that the costs of the Court below be taxed against

the same parties by the Clerk of that Court.

per Mr. Chief Justice Waite.

Henry Seeley, James Thompson, Elisha Crouch, John Crouch Warren D. Stevens et al.		Appeal from the Circuit Court of the United States for the District of California.
11	15 Appellants	
Margt Agnes Seamens, and George Henry Seamens by George H. Seamens, his next friend.		

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of California, and it appearing to the Court that this is the second term at which this case has been called for argument and that neither party is now prepared to argue the same, it is considered by the Court that this cause should be dismissed at the cost of the appellants, pursuant to the 19th rule of this Court.

Whereupon it is now here ordered, adjudged and decreed by this Court that this cause be, and the same is hereby dismissed with costs; and that this cause be, and the same is hereby remanded to the said Circuit Court to be proceeded in according to law and justice per Mr. Chief Justice Waite.

Hetty H. and E. H. Green
12 vs Appellants
Williams & Gordon et al

On motion of Mr. F. Miller in behalf of counsel it is ordered that this cause be, and the same is hereby continued until the next term.

Otis Tufts and Sarah M. Bigelow
13 vs Appellants
The Boston Machine Co.

Appeal from the Circuit Court of the United States for the District of Massachusetts.

This cause came on to be heard on

the transcript of the record from the Circuit Court of the United States for the District of Massachusetts, and it appearing to the Court that this is the second term at which this case has been called for argument and that neither party is now prepared to argue the same, it is considered by the Court that this cause should be dismissed at the cost of the appellants, pursuant to the 16th rule of this Court: Whereupon it is now here ordered, adjudged and decreed by this Court that this cause be, and the same is hereby dismissed with costs: and that this cause be, and the same is hereby remanded to the said Circuit Court to be proceeded in according to law and justice.

per Mr. Chief Justice Waite.

Frank Soule et al.
vs
Pltffs. in Error.
The United States.

This cause was submitted to the consideration of the Court on the record and printed arguments

by Mr. W. H. Morrow of counsel for the plaintiffs in error, and by Mr. Attorney General Devens for the defendant in error.—

The Board of Trustees of the Wabash & Erie Canal vs. Appellant Jonathan K. Hasen

District of Indiana

Appeal from the Circuit Court of the United States for the Dis-

15

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Indiana, and it appearing to the Court that this is the second term at which this case has been called for argument and that neither party is now prepared to argue the same, it is considered by the Court that this cause should be dismissed at the cost of the appellant pursuant to the 19th rule of this Court: Whereupon it is now here ordered, adjudged and decreed by

this Court that this cause be, and the same is hereby dismissed with costs; and that this cause be, and the same is hereby remanded to the said Circuit Court to be proceeded in according to law and justice.

per Mr. Chief Justice Waite.

The American Emigrant Co. Appellant
vs.
The County of Adams.

The argument of this cause was commenced by Mr. D. D. Barrett of counsel for the appellant.

Proclamation being made the Court is adjourned until tomorrow at ten o'clock.

Thursday October 28th 1879

Pursuant to adjournment the Court met today at the Capitol.

Present

The Honorable Morrison R. Waite	Chief Justice
Nathan Clifford	Associate Justices
Noah H. Swayne	
Samuel F. Miller	
Stephen J. Field	
Joseph P. Bradley	
John M. Harlan	

John G. Nicolay, Esquire, Marshal
Daniel Kesley Middleton, Clerk

Proclamation being made the Court is opened

On motion first made to the Court in this behalf by Mr. C. H. Horner it is ordered that A. J. Morgan, Esquire of New Orleans, State of Louisiana be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr Archibald Hopkins

Thursday October 28th 1879. continued.

It is ordered that William H Bradley Esquire of Newark, State of New Jersey be admitted to practice as an attorney and counseller of this Court and he was sworn accordingly.—

	The American Emigrant Co.	The argument
16	vs. Appellant	of this cause
	The County of Adams.	was continued

by Mr C. A. Barrett of counsel for the appellant by Mr R. D. Lowe and Mr F. M. Davis for the appellee and concluded by Mr B. F. Butler for the appellant.—

	The Virginia City and	In Error to
	Summit City Fagan	the Supreme
	Road Company.—	Court of the
15	vs. Plaintiff in Error,	Territory of
	The People of the Terri-	Montana.
	tory of Montana Ex rel.	
	Henry N. Blake District	
	Attorney for the First	
	Judicial District.—	

Thursday October 25th 1879. Continued.

This cause came on to be heard on the transcript of the record from the Supreme Court of the Territory of Montana and it appearing to the Court that this is the second term at which this case has been called for argument and that neither party is now prepared to argue the same it is considered by the Court that this cause should be dismissed at the cost of the plaintiff in error pursuant to the 19th rule of this Court: Whereupon it is now here ordered and adjudged by this Court that this cause be, and the same is hereby dismissed with costs— and that this cause be, and the same is hereby remanded to the said Supreme Court to be proceeded in according to law and justice.—

per Mr. Chief Justice Waite.

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21 Robert Fulton et al. vs. The United States. Appellants

The argument of this cause was commenced by Mr. A. J. Staf-

ter of counsel for the appellants and continued by Mr. Solicitor General Phillips of counsel for the appellees and concluded by Mr W. H. Carpenter for the appellants.—

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77. The South and North Alabama Railroad Co. vs. Pliffin in Error The State of Alabama.

The argument of this cause was commenced by Mr. Thomas H. Jones of counsel for the plaintiff in error.—

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78. The United States vs. Appellant Eulina Perat, wife of John Askew et al.

Appeal from the District Court of the United States for the District of Louisiana.—

This cause came on to be heard on the transcript of the record from the District Court of the United States for the District of Louisiana and it appearing that the claimants have failed to file a remittitur of 5.326/100 acres in accord-

ance with the opinion of this Court filed at the last term, it is now here ordered, adjudged and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby reversed and set aside: and this Court proceeding to render such a decree as should have been rendered by the Court below - It is now here ordered, adjudged and decreed that the petitioners Evelina Trot, wife of John Astew; Marie Mathilde Trot wife of Auguste Moreau, Marie Prudence Elder wife Ferrair Fontenot, Marie Emilie Langlois wife of Augustin Bartell, George Lewis Walmsley, and Marie Celine Walmsley a minor herein represented by her prochain ami, Robert W. Walmsley; have a good and valid claim against the United States to a tract of land as granted to their ancestor Pierre Dolet, by the crown of Spain through Don Bernardo Hernandez, the Commandant of the Post of Nacogdoches, as evidenced by the requête of said Dolet, 7th December 1795, the order by said com-

mandant to put in possession 27th December, 1795, the process verbal of putting in possession 29th December, 1795, and the final order of said commandant to admit said process verbal to record and approving the same dated 11th January, 1796) amounting to four square leagues, Spanish measure as used in the province of Texas, or seventeen thousand, seven hundred and thirteen acres and six tenths of an acre in the measure of the United States, having for the centre the common corner of sections twenty eight (28), twenty nine (29), thirty two (32) and thirty three (33) of township No. twelve (12) North and range No. eleven (11) West in the Northern Land District of Louisiana; and that the said claim be, and is hereby confirmed and confirmed - and it is further decreed that patents from the United States do issue in favor of the petitioners and complainants for such portion of said land so granted and hereby confirmed as aforesaid, as now remains vacant, and that for such portions thereof as shall have

been by the United States disposed of, warrants do issue in favor of petitioners and complainants, to be located on any lands of the United States subject to private entry, at one dollar and twenty five cents per acre.

per Mr. Justice Bradley.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Wednesday October 29th 1879

Pursuant to adjournment the Court met today at the Capitol.

Present

The Honorable Morrison R. Waite, Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan
Associate Justices

John F. Nicolay Esquire, Marshal.
Daniel Chester Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court on this behalf by Mr. George H. Knight it is ordered that Marion H. Tyler Esquire of New York City be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.—

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273 The Mason Lumber Co. vs. Aff. in Error
William Buchtel.

The motion to dismiss this cause was submitted to the consideration of the Court on printed arguments by Mr. O. H. Simonds and Mr. S. A. Fletcher in support of said motion and by Mr. C. A. Storrs in opposition thereto.—

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23 Charles H. Kellland vs. Aff. in Error,
L. L. Hotchkiss.

On motion of Mr. J. H. Davis leave is hereby granted Mr. Ashbel Green to file additional brief in this cause.—

1035 Joseph Johnston vs. Aff. in Error
Isaac Crow and
Richard M'Connell.

Mr. J. H. Reed of counsel for the defendant in Error having filed and read in open Court the following certificate to wit:

"In the Supreme Court of Pennsylvania,

In and for the Middle District

of 18th May Term 1879

Appeal of Joseph Johnson from the decree of the Court sitting in Equity in the case wherein the said Joseph Johnson is plaintiff and Isaac Crow and Richd McConnell are defendants.

Writ of Certiorari to the Court of Common Pleas for the County of Dauphin No 78 Equity Docket

Docket Entries

1878 May 1. Praecipe for Certiorari filed

" " 1 Writ of Certiorari Sur appeal Returnable 3rd Monday May 78

" " 20 Record returned and filed.

" " " Assignments of error filed.

" " 21 Argued

" " 27 Judgement affirmed.

Per Curiam

1878. June 21 Writ of error from the Supreme Court of the United States with copy for defendant in error: Citation to defendants in error with acceptance of service by Eugene Snyder, Esquire of counsel for the defendants in error and writ of error bond in $1000 with John S. Fleck as bail received

and filed.

Certified from the record
In testimony whereof I have hereunto
set my hand and the seal of said Court
at Harrisburg this 23rd day of October, 1879.
and I further certify that the name of L.
McConnell does not appear alone of the
appellees in the original precipe for a
certiorari in said case, although said
name appears on the record returned from
the Court of Common Pleas of Dauphin
County and that the writ of error from
the S. C. of the U. S. was issued as appears
from my record at the in-
stance of Joseph Johnson the
appellant above named. —
(Seal) Robert Snodgrass
Prothy. Supt. Ct. Pa. Mid. Dist.

And having stated that the plaintiff in
error has altogether failed to file the rec-
ord of said cause in this Court or in
any way to prosecute said writ of error,
now here moved the Court in pursuance
of the 9th rule of this Court to have the
writ of error in this cause docketed and

dismissed. On consideration whereof it is now here ordered and adjudged by this Court that the writ of error in this cause to the Supreme Court of the State of Pennsylvania be, and the same is hereby docketed and dismissed with costs. And that this cause be, and the same is hereby remanded to the said Supreme Court to be proceeded in according to law and justice.—

per Mr Chief Justice Waite.

The South and North Alabama R. R. Co.
22 vs Writ in Error
The State of Alabama

The argument of this cause was concluded by Mr. S. F. Rice of counsel for the plaintiff in error, and submitted on printed arguments by Mr. John T. Morgan of counsel for the defendant in error.—

The Delaware Railroad Construction Company
29 vs Appellants
Lewis H. Meyer et al, Trustees

The Delaware Railroad Construction Company
30 vs Appellants
Lewis H. Meyer et al, Trustees
and
Lewis H. Meyer et al, Trustees &c
26c vs Wm. Ennis
The Delaware Railroad Construction Company.

The argument of these cases was commenced by Mr. George H. Knight and continued by Mr. W. H. H. Tyler of counsel for the Delaware Railroad Construction Company et al and by Mr. James Grant of counsel for Meyer and Dennison, Trustees &c.—

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Thursday October 30th 1879

Pursuant to adjournment the Court met today at the Capitol.

Present

The Honorable Morrison R. Waite — Chief Justice

Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan
— Associate Justices

John G. Nicolay Esquire, Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened

On motion first made to the Court in this behalf by Mr. R. T. Merrick it is ordered that J. H. Graham Esquire of Virginia City, State of Nevada be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

The Delaware Railroad Construction Company et al.
29 vs. Appellants
Lewis H. Meyer et al. Trustees

The Delaware Railroad Construction Company
30 vs Appellants
Lewis H. Meyer et al. Trustees
and
Lewis H. Meyer et al. Trustees
260 vs. Aff. in Error
The Delaware Railroad Construction Company et al.

The argument of these causes was continued by Mr. J. H. Choate of counsel for Lewis H. Meyer et al. and by Mr. J. M. Brayton for the Delaware Railroad Construction Company and concluded by Mr. George L. Wright for the Railroad Construction Company.—

Leave granted Brooks & Ball and also Mr. N. H. Cowdrey to file briefs in these cases.—

25	Charles Morgan 15 Appellants The New Orleans Mobile & Texas R. R. Company	Ordered by the Court that this cause be, and the same is hereby continued until the next

term of this Court.

28	James Jefkins et al 15 Appellants Addison Sweetser	Ordered by the Court that this cause be, and the same is

hereby continued until the next term.

23	Charles H. Kittand 15 Plff in Error L. L. Hotchkiss	This cause was argued by Mr. Julien G. Davies and

submitted on printed arguments by Mr. Ashbel Green of counsel for the plaintiff in error, and also submitted on printed arguments by Mr. M. H. Seymour of counsel for the defendant in error.

Thursday October 30th 1879 continued

	Elliot M. May et al Exrs &c.	The argument
34	vs Appellants	of this cause
	L. C. Rice, Assignee of	was commenc-
	Andrew M. Sloan	ed by Mr. S
		F. Phillips of

counsel for the appellants.—

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock

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Friday October 31st 1879

Pursuant to adjournment the Court met today at the Capitol.

Present

The Honorable Morrison R. Waite — Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan — Associate Justices

John F. Nicolay Esquire Marshal
Daniel Kesley Middleton Clerk

Proclamation being made the Court is opened.

Elliot M. Mayo et al Exrs &c. Appellants
vs
L. S. Rice, assignee of A. M. Dean

No 31

The argument of this cause was continued by Mr. S. F. Phillips of counsel for the appellants and by Mr. Charles N. Bell for the appellees and concluded by Mr. Phillips for the appellants.—

Friday October 31st 1879. Continued.

38 The Washington Market Co. vs James C. Hoffman, Appellant

The argument of this cause was commenced by Mr. William Birney of counsel for the appellant.

Proclamation being made the Court is adjourned until Monday next at twelve o'clock.

Monday November 3rd 1879

Pursuant to adjournment the Court met today at the Capitol.

Present

The Honorable Morrison R. Waite — Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan — Associate Justices

John G. Nicolay Esquire, Marshal
Daniel Kisley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in his behalf by Mr. William Stanley it is ordered that Leonard E. Curtis, Esquire of New York City be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.—

Monday November 3rd 1879 Continued:

On motion first made to the Court in this behalf by Mr. H. C. Hanly it is ordered that William Reynolds Esquire of Baltimore, State of Maryland be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Warren C. Stone it is ordered that Edwin H. Brown Esquire of New York City be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.—

On motion first made to the Court in this behalf by Mr. S. S. Henkle it is ordered that James Fullerton Esquire of Washington City District of Columbia be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.—

	The New York Central and Hudson River R.R.Co.		In Error to the Circuit Court of the United States for the South-
33	15.	Mfr. in Error	
	Olga De Malutaw Traloff		

ern District of New York.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of New York and was argued by counsel. On consideration whereof it is now here ordered and adjudged by this Court that the judgement of the said Circuit Court in this cause be and the same is hereby affirmed with costs and interest until paid at the same rate per annum that similar judgments bear in the Courts of the State of New York.

per Mr. Justice Harlan

Dissenting-

Mr. Justice Miller

" Strong

Jacob D. Einstman
112 vs. Plff. in Error
The First Natl. Bank
of Mt. Pleasant, Pa.

In Error to the
Circuit Court
of the United
States for the
Western District
of Pennsylvania.

This cause came on to be heard on the Transcript of the record from the Circuit Court of the United States for the Western District of Pennsylvania, and on the motion to dismiss, which was argued by counsel. On consideration whereof it is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby dismissed for the want of jurisdiction.

per Mr. Chief Justice Waite.

The National Bank
of the Republic
216 vs. Plff. in Error
Rees J. Millard

In Error to the
Supreme Court
of the District
of Columbia.

This cause came on to be heard on the

transcript of the record from the Supreme Court of the District of Columbia and was argued by counsel. On consideration whereof it is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby dismissed. Each party to pay his own costs in this Court.

per Mr. Chief Justice Waite.

Ex parte In the matter of Ira B. French, Original. Petitioner.

On consideration of the petition for a writ of Mandamus in this cause, and of the argument of counsel thereupon had as well in support of as against the same, it is now here ordered by the Court that said petition be, and the same is hereby denied.

per Mr. Chief Justice Waite.

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273 The Mason Lumber Co. vs. Plff. in Error William Buchtel.

On consideration of the motion to dismiss this cause, it

is ordered that the further consideration of said motion be, and the same is hereby postponed until the hearing of the cause upon its merits.

per Mr Chief Justice Waite.

131	Elizabeth Patterson vs Plff in Error The Appeal Tax Court of Baltimore City.	Mr William Reynolds of counsel for the plaintiff in error suggested the death

of Elizabeth Patterson the plaintiff in error in this cause, and moved the Court for leave to enter the appearance of Charles J. Bonaparte, Executor, as the plaintiff in error in this cause - Whereupon it is ordered that the said Charles J. Bonaparte, Executor of the said Elizabeth Patterson deceased as aforesaid be, and he is hereby entered and made the plaintiff in error in this cause.

135	George Hearst vs Appellant James Halligan et al.	Mr Fillmore Beall suggested the death of Jas. Halligan one of

the appellees in this cause and moved the Court for leave to enter the appearance of Fanny B. Halligan, Administratrix of James Halligan deceased as one of the appellees in this cause: Whereupon it is ordered that Fanny B. Halligan, Administratrix of James Halligan deceased as aforesaid be, and she is hereby entered and made a party appellee in this cause; and it is further ordered that this cause be continued until the next term as per stipulation of counsel.—

J. H. Denver and E. F. Peck

499 vs Appellants
Archibald Roane Exec of James Hughes dec'd.

Wm. B. Hinkle suggested the death of Archibald Roane, Executor of James Hughes deceased

and moved the Court for leave to substitute Robert K. Elliot, Administrator de bonis, non of said James Hughes, deceased, as the party appellee in this cause: Whereupon it is ordered that Robert K. Elliot, Administrator de bonis, non of James Hughes, deceased, as aforesaid be,

and he is hereby substituted and made the appellee in this cause instead of Archibald Keane, deceased

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	George H. Grinnell and twenty three others	On motion of Mr. J. Hen-
1045	vs Appls. in Error	dee it was or-
	The Chicago Rock Island and Pacific Railroad Co.	dered that the twenty- four writs of

error in this cause be docketed as one cause.

	Joseph Garneau	On motion
301	vs. Appellant	to dismiss
	Mazier Keyl & Co	this cause

was submitted to the consideration of the Court on printed arguments by Mr E. C. Wood in support of the same and by Mr R. H. Parkinson in opposition thereto

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The Gilbert & Barker Manufacturing Co. 377 vs. Appellants The Columbian Pneumatic Gas Works Co.	On motion of Mr. E. Wood it is ordered that this cause be advanced to be heard with

No 45, as one cause.

J. K. Lichtenberg & Co 631 vs. Appellants The Bank Woodland &c.	The motion to dismiss this cause was submitted to the

consideration of the Court on printed arguments by Mr. F. H. Hackett in behalf of A. J. Scudder in support of the same and by Mr James Ridgway in opposition thereto.

Ex parte: In the matter of Lewis H. Phillips 11 original Petitioner.	On motion of Mr. F. H. Hackett leave is hereby granted him to

file petition for writ of Mandamus in this cause. Motion for Rule submitted.

No | Alonzo S. Hatch vs. Pff. in Error. The Standard Oil Co. of Cleveland. | This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. Stanley Dodge counsel for the plaintiff in error, and by Mr. T. H. Canfield of counsel for the defendant in error.

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781 | Oscar H. Butterfield et al. vs. Offeldanke Mary C. Smith, Admx. &c | The motion to dismiss this cause was submitted to the consideration of the Court on printed arguments by Mr. S. V. Clemens in support of the same and by Mr. Alfred Ennis in opposition thereto.

1190 | John K. Heatherly vs. Pff. in Error Matilda Bowie et al. | The motion to dismiss this cause was submitted to the consideration of the Court on printed arguments by Mr. John K. Kennard in support of the

Monday November 3rd 1879 Continued.

same and by Mr. Thomas J. Semmes in opposition thereto.

A. J. Hentig 819 vs Appellant W. H. Page, Receiver et al.	The motion to dismiss this cause was submitted to the consideration of the Court on printed arguments by Mr. G. C. Clemens in support of the same and by Mr. Edgar Ennis in opposition thereto.

The Washington Market Co. 38 vs Appellant James C. Hoffman	The argument of this cause was continued by Mr. R. T. Merrick of counsel for the appellee.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Tuesday November 11th 1879

Pursuant to adjournment the Court met today at the Capitol.

Present

The Honorable Morrison R. Waite — Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller — Associate
Stephen J. Field — Justices
William Strong
Joseph P. Bradley
John M. Harlan

John F. Nicolay Esquire, Marshal
Daniel Wesley Middleton, Clerk

Proclamation being made the Court is opened.

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38 The Washington Market Co. vs. James C. Hoffman — Appellant

The argument of this cause was continued by Mr. R. T. Merrick of counsel for the appellee and concluded by Mr. William Birney for the appellant.

36	George F. Miller vs. Edwin J. Gary et al.	Appellant

On motion of Mr. H. E. Young of counsel for the appellant and consent of Mr. L. A. Youmans of counsel for the appellees it is ordered that Johnson Hagood, Comptroller General of South Carolina; John L. Edwards, Treasurer of Colleton County; Peter C. Gaillard, Treasurer of Charleston County; Robert Barnwell Fuller, Treasurer of Beaufort County; William L. Campbell, Treasurer of the City of Charleston; Alonzo J. White Jr. Sheriff of the City of Charleston be, and they are hereby substituted as the appellees in this cause.—

36	George F. Miller vs. Johnson Hagood Compt. Gen. &c. et al.	Appellant

The argument of this cause was commenced by Mr. James Lowndes of counsel for the appellant and continued by Mr. Le Roy F. Youmans of counsel for the appellees.—

Thursday November 4th 1879, continued:

	George S. Miller	Appeal from the Cir-
36	vs	cuit Court of the
	Johnson Hagood	United States for
	Comptroller Genl.	the District of
	of South Carolina etal.	South Carolina.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of South Carolina and on motion of Mr. H.E. Young of counsel for the appellant it is now here ordered, adjudged and decreed by this Court that this appeal be, and the same is hereby dismissed with costs.

per Mr. Chief Justice Waite.

	Orlando Norths etal.	This cause was
	assignees &c.	submitted by the
41	vs. Pffs. in Error	consideration of
	Wm. McDonald etal.	the Court on the
		record and

printed arguments by Mr. H.F. Corlett of counsel for the plaintiffs in error, and by Mr. E.P. Johnson of counsel for the defendants in error.

	William S. Edgers Exr &c.	This cause was submitted to the consideration of the Court on the record and printed arguments by Mr W. H. Fuller of counsel for the appellant and by Mr H. C. Hoyt of counsel for the appellees.
112	vs. appellant	
	The City of Chicago et al	

	David H. Sweeter, Trustee of the Tapley Rail Burnishing Machine Association	Appeal from the Circuit Court of the United States for the District of Massachusetts.
113	vs. appellant	
	Chas. C. Holmes & Geo. H. P. Flagg.	

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Massachusetts, and the appellant having been three times solemnly called by the Marshal to come into Court and prosecute his appeal and failing to appear. It is thereupon in pursuance of the 16th rule of this Court and on the motion of Mr. Causten Browne in behalf of Mr. J. E. Maynadier

of counsel for the appellees, now here ordered, adjudged and decreed by this Court that this cause be, and the same is hereby dismissed with costs: and that this cause be, and the same is hereby remanded to the said Circuit Court to be proceeded in according to law and justice.—

per Mr. Chief Justice Waite.

	Sherman A. Ricker	On motion of
933	vs. Appellant	Mr. Causten
	Nathan Pratt et al.	Browne and
		stipulation

of counsel it is ordered that leave be granted the Clerk to issue the Mandate in this cause.—

	The Glendale Elastic	This cause was
	Fabric Company	argued by Mr.
111	vs. Appellant	Benjamin Dean
	William Smith	of counsel for the
		appellant and

by Mr. R. P. Lowe for the appellee.—

Tuesday November 11th 1879. Continued.

	The Gilbert & Barker Manufacturing Co.		Ordered that one hour additional time be allowed each side in the argument of this cause.
45	18	Appellant	
	The Walworth Manufacturing Company.		

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Wednesday November 5th 1879

Pursuant to adjournment the Court met today at the Capitol.

Present

The Honorable Morrison R. Waite — Chief Justice

Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan
— Associate Justices

John G. Nicolay Esquire, Marshal
Daniel Kelley Middleton, Clerk

Proclamation being made the Court is opened.

Otis Tufts et al
13 vs. Appellants
The Boston Ma-
chine Company.

On motion of Mr. C. Browne leave is hereby granted the Clerk to issue the mandate in this cause —

The Gilbert and Barker Manufacturing Company 115 vs Appellant The Walworth Manfg. Co. and The Gilbert and Barker Manufacturing Company 377 vs Appellant The Coleman Pneumatic Gas Works Co.	The argument of these cases was commenced by Mr. William Stanley of counsel for the appellants. No further argument desired by the Court.

David K. Cowell 116 vs Plff in Error The Colorado Springs Company:—	This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. H. C. Allaman of counsel for the plaintiff in error and by Mr. J. M. Ritkin of counsel for the defendant in error.—

Charles H. Holden 117 vs Appellant The Freedmens Savings and Trust Company	The argument of this cause was commenced by Mr. H. C.

Wednesday November 5th 1879 Continued.

Illoy of counsel for the appellant and continued by Mr. F. H. Talbot of counsel for the appellee.-

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Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Thursday November 6th 1879

Pursuant to adjournment the Court met today at the Capitol

Present

The Honorable Morrison R. Waite	Chief Justice
Nathan Clifford	Associate Justices
Noah H. Swayne	
Samuel F. Miller	
Stephen J. Field	
William Strong	
John M. Harlan	

John G. Nicolay Esquire Marshal
Daniel Kelly Middleton, Clerk.

Proclamation being made the Court is opened.

Walter A. Wilcyand Ferdinand Dickinson &c.			Appeal from the Circuit Court of the United States for the District of Connecticut.
199	vs	Appellants	
Aaron M. Daniels			

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Connecticut, and on the stipulation of

counsel on file and motion of Mr. Fillmore Beall in behalf of counsel it is now here ordered adjudged and decreed by this Court that this appeal be, and the same is hereby dismissed. Clerk's costs to be paid by the appellants.

per Mr. Chief Justice Waite.

E. S. Jaffray & Co. Anderson Star & Co. H. C. Hanson & Co. The Dunham Manufacturing Co. Hudson Bros. McCombs Caruth & Byrnes, A. E. Tilley, Appleton Noyes and Wands, H. H. Kellogg, Todd Brown and Co. Watkins Hilliland, Buckingridge, Hitchcock & Co. H. S. Bruce & Co. Fosterheim & Hilford, J. B. Wilder & Co. Haney & Heath, A. Low & Co. John Thomas & Co. Smith & Taylor, Hartwell & Chambers, & H. Venable & Co.

Appellants

vs.

McPhee Snowden and Violett.

James Torrans, U. S. Marshal, &, Jas. M. Hudson.

Appellees.

Mr. Fillmore Beall of counsel for the appellees having filed and read in open Court the following certificate to wit:

"United States of America
Eastern District of Arkansas.

B. A. Jaffray & Co, Anderson Star & Co, W. C. & Sanson & Co, The Dunham Manufacturing Co, Hudson Bros, McCrubb, Caruth & Byrnes, F. C. Tilley, Appleton, Hoyt & Wands, W. H. Kellogg, Todd Browne & Co, Watkins & Gilliland, Buckinridge, Hitchcock & Co, W. S. Bruce & Co, Furstheimer & Wilford, J. B. Wilder & Co, Hamm & Heath, C. L. Lou & Co, John Thomas & Co, Smith & Taylor, Halwell Chambers and S. H. Venable & Co.

v

McGehee Snowden & Violett, James Tolans U. S. Marshal, and James M. Hudson—

I, Ralph L. Goodrich, Clerk of the Circuit Court of the United States for the Eastern District of Arkansas, do hereby certify that the complainants in the above entitled cause prayed an appeal on May 29, 1879, from the decree of the said Circuit Court entered in said cause on the 26th day

of May, 1879. to the Supreme Court of the United States which appeal was allowed and I further certify that the execution of said decree was suspended on June 9, 1879. by the complainants filing an appeal bond which was approved by the Court and I further certify that the names of the parties complainants and defendants are not more particularly described than as above stated either in the bill of complaint or other pleadings or in the decree in this Court.

In witness whereof I have hereunto set my hand as such Clerk and the seal of said Circuit Court this 1st day of November A.D. 1879.

Ralph L. Hoadley
Clerk U.S. Circuit Court
East. Dist. Arkansas."

(Seal.)

And having stated that the appellants have altogether failed to file the record of said cause in this Court or in any way to prosecute said appeal, now here moved the Court in pursuance of the

9th rule of this Court to have this appeal docketed and dismissed. On consideration whereof it is now here ordered, adjudged and decreed by this Court that this appeal from the Circuit Court of the United States for the Eastern District of Arkansas be, and the same is hereby docketed and dismissed with costs. And that this cause be, and the same is hereby remanded to the said Circuit Court to be proceeded in according to law and justice.

Per Mr. Chief Justice Waite.

Charles H. Holden
vs. Appellant
The Freedmens
Savings and Trust
Company.

The argument of this cause was continued by Mr. Enoch Totten of counsel for the appellee, and concluded for Mr. T. C. A. Meloy of counsel for the appellant.

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706 The United States
vs. Plff in Error
James O. Curtis et al.
and
James O. Curtis et al
707 vs Plffs in Error
The United States

This cause was argued by Mr. Assistant Attorney General Smith of counsel for the United States and by Mr. G. H. Talbot of counsel for James O. Curtis et al.

Samuel H. Allen, Valentine B. Poole, William Poole, Jas. H. Lockhart and H. O. Fift
48 vs Plffs in Error
Louis Levenson, Michael Levenson and Alfred Benjamin.

In Error to the Circuit Court of the United States for the Eastern District of Texas.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Texas, and on the authority of counsel for the plaintiffs in error on file, it is now here ordered and ad-

judged by this Court that the writ of error in this cause be, and the same is hereby dismissed with costs.

Per Mr. Chief Justice Waite.

Isaac N. Hunt
vs
Aff. in Error
D. M. Hollingsworth

The argument of this cause was commenced by Mr. P. Phillips of counsel for the plaintiff in error, and continued by Mr. James Lowndes of counsel for the defendant in error.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Friday November 7th 1879

Pursuant to adjournment the Court met today at the Capitol.

Present

The Honorable Morrison R. Waite — Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller — Associate
Stephen J. Field — Justices
William Strong
John M. Harlan

John G. Nicolay Esquire, Marshal
Daniel Kesley Middleton, Clerk.

Proclamation being made the Court is opened

On motion first made to the Court in this behalf by Mr. Samuel Shellabarger it is ordered that Henry C. Noble Esquire of Columbus State of Ohio, and Jonathan G. Bigelow Esquire of Washington City District of Columbia be admitted to practice as attorneys and counsellors of this Court and they were severally accordingly.—

William S. Manning 57 vs. Plff. in Error The John Hancock Mutual Life Ins. Co.	On motion of Mr. H. Robinson it is ordered that this cause be passed on ac-

count of sickness of counsel.—

Willis Strickland etal. 1051 vs. Appellants William Marvin and Amos H. Woodruff.	Mr. A. G. Brewer of counsel for the appellees having filed and read in open Court

the following certificate to wit:

"United States of America—
Northern District of Ohio—
Eastern Division—

I, Augustus J. Ricks, Clerk of the Circuit Court of the United States, Northern District of Ohio, do hereby certify that in a cause wherein—

Willis Strickland was complainant

and

William Marvin	Amos H. Woodruff
Sylvester Newman	Stephen Hooley
Nelson Benjamin	Thornton Lockhith

Henry Mansfield — Chauncey Cleverly
Dilsy D Spires — Jared Stratton
Chas Barr — Charles Bradley
John Kennedy — George Webber
Frederick S. Talcott — Asel Norton
Delazon Bostwick — Solomon Wiles
W. C. Hatton — Sarah P Green
Ferdinand Kirkbride — Loyal B. Knowlton

and H. H. Morse were defendants, on the 23rd day of September A.D. 1878, being a day of the April Term of said Court, a final decree was rendered in said Court finding the Equities of said suit with the defendant Chas H. Woodruff and dismissing the complainants Bill and the Cross Bills of the several defendants named above excepting William Marvin and Chas H. Woodruff; and I do further certify that afterwards to wit, on the 3rd day of January A.D. 1879 being a day of the January Term of said Court the said complainant Willis Strickland and each and all of the said defendants above named excepting Chas H. Woodruff and William Marvin by their counsel appeared in open Court

and prayed for the allowance of an appeal from said final decree to the next term of the Supreme Court of the United States, which appeal was by the Court then allowed: and I do further certify that on the said 3rd day of January A.D. 1879, a Citation was duly issued notifying said defendants Chas H. Hodruff and William Marvin of the allowance of said appeal returnable to the next term of the Supreme Court of the United States which citation was returned duly served on said defendants and appellees: and I do further certify that on the said 3rd day of January A.D. 1879, a bond for Appeal was filed by the appellants and approved as provided by law; all of which appears from the records and files of said Court now remaining in my custody.

In testimony whereof I have hereunto affixed my official signature and the seal of said Court at my office in the City of Cleveland in said District on this 22nd day of October in the year of our

Seal

Lord, One thousand, eight hundred and seventy-nine and of the Independence of the United States of America the 104th year.

Augustus J. Ricks,
Clerk."

And having stated that the appellants have altogether failed to file the record of said cause in this Court or in any way to prosecute said appeal; now here moved the Court in pursuance of the 9th rule of this Court to have this appeal docketed and dismissed. On consideration whereof it is now here ordered, adjudged and decreed by this Court that this appeal from the Circuit Court of the United States for the Northern District of Ohio be, and the same is hereby docketed and dismissed with costs. And that this cause be, and the same is hereby remanded to the said Circuit Court to be proceeded in according to law and justice.

per Mr. Chief Justice Waite

119	Isaac S. Hurt vs. Pff. in Error D. M. Hollingsworth	The argument of this cause was concluded by Mr. H. H. Phillips of counsel for the plaintiff in error.

56	John F. Bunting vs. Pff. in Error The Board of Commissioners of Lake County.	Ordered by the Court that this cause be, and the same is hereby continued until the next term of this Court.

51	Francis Jeffries, Admr. &c. vs. Appellant Chas. Moran, Trustee	This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. S. F. Crawford of counsel for the appellant and by Mr. M. A. Daugherty for the appellee.

52	Henry Sawyer vs. Appellant S. M. Bixby et al.	This cause was argued by Mr. George Gifford and Mr. R. J. Todd of counsel for the appellant and submitted on printed arguments by Mr. H. E. Fremaine and Mr. M. H. Tyler for the appellees.

53	Lorenzo Ellis et al vs. Appellants William L. Davidson	Appeal from the Circuit Court of the United States for the District of Minnesota.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Minnesota, and on the stipulation of counsel for the respective parties on file, it is now here ordered, adjudged and decreed by this Court, that the decree of the said Circuit Court in this cause be, and the same is hereby affirmed. Each party paying their own costs in this Court.

per Mr Chief Justice Waite

Friday November 7th 1879 continued

	Wm J. Phillips et al	This cause was
311	vs. Plffs in Error	submitted to
	Albert H. Moore	the consideration

of the Court on the record and printed arguments by Mr. H. P. Ballinger of counsel for the plaintiffs in error, and by Mr. L. L. Atchison for the defendant in error.

	The United States	This cause was
55	vs. Plff in Error	submitted to the
	Jos. N. Dawson et al	consideration of

the Court on the record and printed argument by Mr. Assistant Attorney General Smith of counsel for the plaintiff in error, with leave to Mr. Joseph H. Bradley to file brief on or before the 19th of November and also leave to Mr. Smith to file additional brief.

	W. J. & W. B. Dayton	This cause was
56	vs. Appellants	submitted to the
	R. B. Galusha, Admr.	consideration of
	of Jerail G. Lash, dec'd	the Court on the

record and

Friday November 7th 1879 continued.

printed argument by Mr Lawrence Ellis of counsel for the appellee. No counsel appearing for the appellants.

Edward Clark, Trustee &c
vs. Appellant
The Commissioners of the Sinedmens Savings & Trust Company.

The argument of this cause was commenced by Mr J. H. Bigelow of counsel for the appellant and continued by Mr Enoch Totten of counsel for the appellees.

Proclamation being made the Court is adjourned until Monday next at twelve o'clock

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Monday November 10th 1879

Pursuant to adjournment the Court met today at the Capitol.

Present

The Honorable Morrison R. Waite — Chief Justice

Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan
— Associate Justices

John G. Nicolay Esquire Marshal
Daniel Kesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in his behalf by Mr. L. T. Youmans it is ordered that Wilmot G. De Saussure Esquire of Charleston State of South Carolina be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.-

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On motion first made to the Court in this behalf by Mr. R. T. Merrick it is ordered that Lewis Abraham Esquire of Washington City, District of Columbia be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.-

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On motion first made to the Court on this behalf by Mr. Samuel Shellabarger it is ordered that A. B. Hannum Esquire of Washington City, District of Columbia be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.-

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35 The Union Consolidated Silver Mining Company vs. James L. Taylor

In Error to the Circuit Court of the United States for the District of Nevada.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the

District of Nevada, and was argued by counsel. On consideration whereof it is now here ordered and adjudged by this Court that the judgement of the said Circuit Court in this cause be, and the same is hereby affirmed with costs.

per Mr. Justice Strong.

Mr. Justice Field did not sit in this cause.

George B. Fairfield
526 15. Plff. in Error
The County of Gallatin

In Error to the Circuit Court of the United States for the Southern

District of Illinois.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of Illinois, and was argued by counsel. On consideration whereof it is now here ordered and adjudged by this Court that the judgement of the said Circuit Court in this cause be, and the same is hereby reversed with costs: and that this cause be,

and the same is hereby remanded to the said Circuit Court with instructions to give judgment for the plaintiff below on the findings made.

per Mr. Justice Strong.

1879

The United States
vs.
Norman Hirsch, Morris Hirsch, George Kirk, Charles L. Lawrence and Robert Lee Angel.

On certificate of division in opinion between the judges of the Circuit Court of the United States for the Southern District of New York.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of New York, and on the point or question on which the judges of the said Circuit Court were opposed in opinion and which was certified to this Court for its opinion agreeably to the act of Congress in such case made and provided and was argued by counsel. On consideration whereof it is the opinion of this Court that the plea of the

Statute of limitations of three years is good in bar of the first two counts of the indictment and is bad as to the third and fourth counts. Thereupon it is now here ordered and adjudged by this Court that it be so certified to the said Circuit Court.

per Mr. Justice Miller.

Ex parte: In the matter of Oliver K. Reed

5 cirgl. Petitioner

On consideration of the petition for writ of Habeas and Certiorari in this cause and of the argument of counsel thereupon had it is ordered that said petition be and the same is hereby denied

per Mr. justice Swayne.

Frank Soule, Christopher C. Hall, Ira Packard Rankin, Joe Johnson Felt, Frederick H. Fitzman, James Lewis, Samuel Soule Williams, Dana, James Wells Chapter, John Center, Horace Tilham and Samuel Brannan

114 vs Plffs. in Error

The United States.—

In Error to the Circuit Court of the United States for the District of California.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of California and was argued by counsel. On consideration whereof it is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be, and the same is hereby affirmed.—

per Mr. Justice Clifford

	Robert Tillson and Hair land Bonn partners as Robert Tillson & Company.	Appeal from the Court of Claims.
21	vs. Appellants	
	The United States.	

This cause came on to be heard on the transcript of the record from the Court of Claims and was argued by counsel — On consideration whereof it is now here ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause be, and the same is hereby affirmed.

per Mr Chief Justice Waite.

	Orlando Forth & L. Thomas Assignees of the estate of Russell Thorp & Co a bankrupt	In Error to the Supreme Court of the Territory of Wyoming.
111	vs. Plff in Error	
	Wm McDonald & Harvey Booth	

This cause came on to be heard on the transcript of the record from the Supreme Court of the Territory of Wyoming, and was argued by counsel — On consideration whereof it

is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby affirmed with costs.—

per Mr. Chief Justice Waite.

The Glendale Elastic Fabric Company. | Appeal from the Circuit Court of the United States for the District of Massachusetts.

111 vs. Appellant

William Smith

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Massachusetts, and was argued by counsel.— On consideration whereof it is now here ordered, adjudged and decreed by this Court that the decree of the said Circuit Court in this cause be, and the same is hereby affirmed with costs.—

per Mr. Chief Justice Waite.

The Gilbert and Barker Manufacturing Company
115 vs. Appellant
The Walworth Manfg. Co.

Appeal from the Circuit Court of the United States for the District of Massachusetts.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Massachusetts and was argued by counsel. On consideration whereof it is now here ordered, adjudged and decreed by this Court that the decree of the said Circuit Court in this cause be, and the same is hereby affirmed with costs.

per Mr. Chief Justice Waite.

The Gilbert and Barker Manufacturing Company
377 vs. Appellant
The Coleman Drummond Gas Works Company.

Appeal from the Circuit Court of the United States for the Southern District of Ohio.

Monday November 10th 1879 Continued

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of Ohio, and was argued by counsel - On consideration whereof it is now here ordered, adjudged and decreed by this Court that the decree of the said Circuit Court in this cause be, and the same is hereby affirmed with costs.

per Mr. Chief Justice Waite.

Henry Sawyer vs. Appellants
A. H. Dixon & Clarence Tucker.

Appeal from the Circuit Court of the United States for the Southern District of New York.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of New York and was argued by counsel - On consideration whereof it is now here ordered, adjudged and decreed by this Court that the decree of the said

Circuit Court in this cause be, and the same is hereby affirmed with costs.—

per Mr. Chief Justice Waite.

	M. S. Dayton and Maria B. Dayton	Appeal from the Circuit Court of the United States for the District of Minnesota.
56	vs.	
	Appellants	
	L. S. Ketcha, Admr. of Israel S. Lash dec'd.	

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Minnesota and was argued by counsel. On consideration whereof it is now here ordered, adjudged and decreed by this Court that the decree of the said Circuit Court in this cause be, and the same is hereby affirmed with costs and interest until paid at the same rate per annum that similar decrees bear in the Courts of the State of Minnesota.—

per Mr. Chief Justice Waite.

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790 John R. Heathcock
vs
Matilda Powers et al
In Error

On consideration of the motion to dismiss this cause it is ordered that the further consideration of said motion be, and the same is hereby postponed until the hearing of the cause upon its merits.

Per Mr. Chief Justice Waite.

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791 Oscar F. Satterfield et al
vs
Affiliants
Marcus Smith, Admr. &c.

On consideration of the motion to dismiss this cause it is ordered that the further consideration of said motion be, and the same is hereby postponed until the hearing of the cause upon its merits

Per Mr. Chief Justice Waite.

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792 A. J. Hentig
vs
Appellant
H. H. Gay, Exr. &c.

On consideration of the motion to dismiss this cause it is ordered that the further consideration of said motion be, and the same is hereby postponed until

the hearing of the cause upon its merits.—

for Mr. Chief Justice Waite.

Ex parte: In the matter of
Lewis H. Phillips
11 orig. Petitioner.

On consideration of the motion for a rule to show cause why a writ of Mandamus should not be awarded the petitioner in this cause it is ordered that said motion be, and the same is hereby denied.—

for Mr. Chief Justice Waite.

H. Fechtenburg & Co.
631 vs. Appellants
The Bark "Woodland" &c

On consideration of the motion to dismiss this cause, and of the argument of counsel thereupon had, it is ordered that said motion be, and the same is hereby denied.—

for Mr. Chief Justice Waite.

Joseph Barnum
301 vs. Appellant
Dozier Reyl & Co.

On consideration of the motion to dismiss this cause

and of the argument of counsel thereupon had, it is ordered that said motion be, and the same is hereby denied.

Per Mr. Chief Justice Waite

	The Florida Central Railroad Company; Appellant	On motion of Mr. P. Phillips and consent by Mr. Carpenter of opposing counsel
1022	vs	
	J. Fred. Schutte et al.	

it is ordered that the original affidavits filed in this cause on the motion of Mr. Carpenter be set aside the supersedeas be forwarded to the Commissioners taking the evidence of the witnesses on this motion to be used by them in the said Examination with directions that they be duly returned to the Court when the Examination has been completed.

William G. Gage, C. Jay Carrington and Frederick A. Gage
1057 vs. Appellants
James H. Herring, John L. Cook, John L. Cook Jr., Austin D. Cook and Lemuel H. Bignall.

Wm Rodney Mason of counsel for the appellees having filed and read in open Court the following certificate to wit:

"In the Supreme Court of the United States
On appeal from the United States Circuit Court in and for the Northern District of New York — In Equity —
William G. Gage, C. Jay Carrington and Frederick A. Gage —
against Appellants —
James H. Herring, John L. Cook, John L. Cook Jr., Austin D. Cook and Lemuel H. Bignall,
Appellees

I, William H. Bright, Clerk of the United States Circuit Court in and for the Northern District of New York, do hereby certify under my hand and seal of said Court, that on the first Monday of August, 1879, the above named appellees, James H.

Herring, John L. Cook, John L. Cook jr, Austin L. Cook and Lemuel W. Bignall, filed their bill of complaint in the Clerks office of the Circuit Court of the United States in and for the Northern District of New York, against the above named appellants, William H. Page, E. Jay Carrington and Frederick H. Page, alleging that one John Deuchfield was the first and original inventor of an improvement in cooling and drying meal, that letters patent for said invention were issued to said Deuchfield for the term of fourteen years from April 30th 1858, by the Government of the United States, numbered 19,951, that thereafter, viz: on the 16th day of January 1872, in due form of law, reissued Letters Patent of the United States numbered 4712, were granted to him for the term of seven years after the expiration of the first term, that the said appellees were the owners of said Letters Patent and the Reissue thereof, and that the appellants had infringed upon the exclusive rights of the appellees as secured to them

by the said Letters Patent and the Reissue thereof, and the said appellees in their said bill of complaint prayed for a decree and injunction and an accounting that thereafter on the first Monday of September 1876, the appellants filed their answer denying that the said Leuchfield was the first and original inventor of the improvements described in said Letters Patent and alleging that the said Reissued Letters Patent were granted for an invention different from the invention described in said original Letters Patent. That in due time, viz: that on the first Monday of October, 1876, the appellees filed their replication to the said answer denying the allegations therein contained. That the proofs in said action having been duly taken at a term of the United States Circuit Court for the Northern District of New York held at Utica, N.Y. in March 1876, this cause was heard upon the pleadings and proofs therein by his Honor Alexander S. Johnson, who thereafter on the 3rd day of October 1877, rendered a decree & order sustain-

ing the validity of the said reissued and extended Letters Patent and declaring that the defendants had infringed the same, enjoining further infringement and referring the cause to a master to take an account of the gains and profits made by the appellants and the damages sustained by the appellees by such infringement and that the appellees have execution against the appellants for the costs of this suit to be taxed and for such sums as by the said master it should be reported that the appellees were entitled to in respect to the gains, profits and damages when confirmed according to the course and practice of the Court.

That the master, Ward Hunt jr. Esquire having taken proofs and heard the respective parties on the matter referred, made his report thereon on the 11th day of March, 1878, to which said report exceptions were filed on behalf of the appellants on the 16th day of March, 1878, which exceptions afterwards came on for hearing at a term of the said Circuit Court: Whereupon on the 29th day of November, 1878, His Honor

William J. Wallace holding said Court as Circuit Judge made a final decree in said cause by which the report of the master was confirmed; and it was ordered that the appellees recover against all the appellants the sum of three thousand, two hundred and seventy nine dollars and eighty four cents ($3279.84) and two hundred and eighty-one dollars and ninety seven cents against the appellants, William G. Gage and Frederick A. Gage and that the appellees have execution therefor which said decree was duly enrolled and judgment docketed on the 3rd day of December, 1878.

That thereafter on the 12th day of December 1878. the said William G. Gage, Jay Carrington and Frederick A. Gage, by Henry R. Selden Esq. their attorney, appealed from the whole of the decree of the said Circuit Court of the United States, to the Supreme Court of the United States, and on the same day they executed a bond as a supersedeas upon said appeal, and his Honor Samuel Blatchford, Circuit Judge of the said Circuit Court, allowed said appeal and issued a citation to

the appellees requiring them to appear before the said Supreme Court at the City of Washington on the 2nd Monday of October 1879, to do and receive what may appertain to justice in the premises—

In witness whereof I have hereunto placed my hand and affixed the Seal of the Circuit Court of the United States in and for the Northern District of New York this 3rd day of November, 1879

(Seal)

Wm H. Bright
Clerk"

and having stated that the appellants have altogether failed to file the record of said cause in this Court or in any way to prosecute said appeal— Moved the Court in pursuance of the 9th rule to have this appeal docketed and dismissed— Whereupon it is now here ordered, adjudged and decreed by this Court that this appeal from the Circuit Court of the United States for the Northern District of New York be, and the same

is hereby dockited and dismissed with costs and that this cause be, and the same is hereby remanded to the said Circuit Court to be proceeded in according to law and justice—

per Mr. Chief Justice Waite.

	The St. Louis Nat'l. Bank		The motion to
120	vs.	Appellant	dismiss this
	The United States Insu-		cause was sub-
	rance Company et al.		mitted to the
			consideration

of the Court on printed arguments by Mr. W. H. Phillips in behalf of Mr. J. C. Broadhead in support of the same and by Mr. Lucien Eaton in opposition thereto.—

	Edward Clark, Trustee &c.		The argument
58	vs.	Appellant	of this cause
	The Commissioners of the		was concluded
	Freedmens Savings and		by Mr. Samuel
	Trust Company et al.		Shellabarger of
			counsel for the

appellant.—

59	Joshua L. Miner vs. Plff in Error The United States.	This cause was submitted to the consideration of the Court on the record by Mr. Samuel F. Phillips of counsel for the plaintiff in error, and on the record and printed argument by Mr. Assistant Attorney General Smith of counsel for the defendant in error.

61	Henry Thomas vs. Plff in Error The Union Pacific Railroad Co.	This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. J. C. Hemingray and Mr. S. S. Kimball of counsel for the plaintiff in error, and by Mr. S. Shellabarger and Mr. J. M. Wilson for the defendant in error.

63	Lydia C. Hallstal vs. Appellants Edwin Russell et al.	Ordered that one hour additional time be allowed each side in the argument of this cause.

Monday November 10th 1879 continued.

	Lydia C. Hall et al.	The argument of
63	vs. Appellants	this cause was com-
	Edwin Russell et al.	menced by Mr.
		H. H. Chapman

of counsel for the appellants and continued by Mr. George H. Williams for the appellees.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Tuesday November 11th 1879—

Pursuant to adjournment the Court met today at the Capitol.

Present

The Honorable Morrison R. Waite	Chief Justice
Nathan Clifford	Associate Justices
Noah H. Swayne	
Samuel F. Miller	
Stephen J. Field	
William Strong	
Joseph P. Bradley	
John M. Harlan	

John D. Nicolay Esquire, Marshal
Daniel Kelley Middleton, Clerk

Proclamation being made the Court is opened.

The National Bank of the Republic
210 vs. Plff in Error
Rees J. Millard—

date in this cause—

On motion of Mr. R. D. Mussey leave is hereby granted the Clerk to issue the mandate

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Thursday November 11th 1879 continued.

63	Lydia C. Hall et al appellants vs Edwin Russell et al.	The argument of this cause was continued by Mr. George H. Williams of counsel for the appellees and concluded by Mr. T. L. Lincoln for the appellants.

2	Nixon M. Crane, Exr. &c. appellants vs The Kansas Pacific Railway Company.	This cause was argued by Mr. Matt. H. Carpenter of counsel for the appellants and submitted on printed arguments by Mr. J. P. Usher of counsel for the appellee.

62	The Kansas Pacific Railway Company plff in Error vs Louisa Twombly &c. defts &c.	This cause was argued by Mr. S. Shellabarger and submitted on printed arguments by Mr. J. P. Usher of counsel for the plaintiff in error, and by Mr. John L. Charles for the defendant in error.

Tuesday November 11th 1879 Continued.

The Kansas Pacific Railway Company 62 vs. Plff in Error, Louisa Twombly, Admrx &c.	Ordered that leave be granted Mr. S. Shellabarger to file motion to remand this cause to the Court below with directions for nonsuit.

Oswald & Broder 64 vs. Plff in Error The Kalima Water & Mining Co.	This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. J. H. McKune of counsel for the plaintiff in error, and by Mr. C. P. Cattin and Mr. S. Shellabarger and Mr. J. M. Wilson of counsel for the defendant in error.

The Providence Steam Engine Company 65 vs. Plff in Error Charles Hubbard.	This cause was argued by Mr. Chas. E. Perkins of counsel for the plaintiff in error and by Mr. C. P. Hyde for the defendant in error.

	Leonidas Whiteside and Elizabeth L. Burris	Appeal from the Circuit Court of the United States for the District of Minnesota.
66	vs. Appellants.	
	Elvira J. Whiteside	

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Minnesota, and the appellants having been three times solemnly called by the Marshal to come into Court and prosecute their appeal and failing to appear. It is thereupon in pursuance of the 16th rule of this Court and on the motion of Mr. H.E. Carter of counsel for the appellee, now here ordered, adjudged and decreed by this Court that this cause be, and the same is hereby dismissed with costs. And that this cause be, and the same is hereby remanded to the said Circuit Court to be proceeded in according to law and justice.—

per Mr. Chief Justice Waite.

Tuesday November 11th 1879 Continued.

	The State ex rel Douglass & Johnson	The argument of this cause was commenced by Hon L H Chamberlain of counsel for the plaintiff.
348	vs. Pliff's in Error.	
	Peter C. Gaillard County Treasurer &c.	

Liff's in error.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Wednesday November 12th 1879

Pursuant to adjournment the Court met today at the Capitol.

Present

The Honorable Morrison R. Waite	Chief Justice
Nathan Clifford	Associate Justices
Noah H. Swayne	
Samuel F. Miller	
Stephen J. Field	
William Strong	
Joseph P. Bradley	
John M. Harlan	

John F. Nicolay Esquire Marshal
Daniel Kesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court on this behalf by Mr. George F. Appleby it is ordered that George Gartner Esquire of Detroit, State of Michigan be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

1035	Joseph Johnson vs. Plff in Error. Isaac Crow et al.	On motion of Mr. John W. Ross leave is hereby granted the Clerk to issue the mandate in this cause.

748	The State ex rel. Douglass V. Johnson vs. Plff in Error Peter C. Gaillard County Treasurer &c.	The argument of this cause was continued by Mr. J. A. Chamberlain of counsel for the plaintiff in error,

by Mr. Wilmot H. De Saussure and Mr. Le Roy F. Youmans for the defendant in error, and concluded by Mr. Roscoe Conkling for the plaintiff in error.—

776	The State ex rel. Wm L. Trenholm Comr &c. vs. Plff in Error; Peter C. Gaillard County Treasurer &c.	The argument of this cause was commenced by Mr Edward Mc Crady Jr. of counsel for the plaintiff in error.—

Wednesday November 12th 1879 Continued.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Thursday November 13th 1879

Pursuant to adjournment the Court met today at the Capitol.

Present

The Honorable Morrison R. Waite	Chief Justice
Nathan Clifford	Associate Justices
Noah H. Swayne	
Samuel F. Miller	
Stephen J. Field	
William Strong	
Joseph P. Bradley	
John M. Harlan	

John G. Nicolay Esquire Marshal
Daniel Kesley Middleton, Clerk.

Proclamation being made the Court is opened.

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62 The Kansas Pacific Railway Company vs. Jeffn Chas. Louisa Twombly Edwd Fg.

On motion of Mr. J. M. Wilson leave is hereby granted him to file additional brief in this cause.

	The State ex rel. Wm L. Trenholm Exr &c.		The argument of this cause was concluded by Mr. Chris. K Miles of counsel for the plaintiff in error. The Court declined to hear counsel for the defendant in error.
776	vs	Plff in Error	
	Peter C. Gaillard, County Treasurer, &c.		

	The Chesapeake & Ohio Canal Company,		This cause was argued by Mr R. T. Merrick of counsel for the appellant and by Mr. Walter D. Davidge for the appellees.
67	vs	Appellant	
	Chas Kay & Albert Kay		

	The County of Cass		The argument of this cause was commenced by Mr. C. Broadhead of counsel for the plaintiff in error, and continued by Mr. J. K. Skinker for the defendant in error.
68	vs	Plff in Error	
	S. L. Gillett		

Proclamation being made the Court is

Friday November 11th 1879

Pursuant to adjournment the Court met today at the Capitol.

Present

The Honorable Morrison R. Waite	Chief Justice
Nathan Clifford	Associate Justices
Noah H. Swayne	
Samuel F. Miller	
Stephen J. Field	
William Strong	
Joseph P. Bradley	
John M. Harlan	

John F. Nicolay Esquire Marshal
Daniel Kelley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion just made to the Court in this behalf by Mr Willis Drummond it is ordered that Alexander D. Anderson, Esquire of St Louis, State of Missouri, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.—

The United States
81 vs Appellant
Henry Clamorgan etal

Henry Clamorgan etal
82 vs Appellants
The United States.
and
Cyprian Clamorgan
93 vs Appellant
The United States.

On motion of Mr. Solicitor General Phillips it is ordered that these cases be passed, subject to section seven, rule twenty six.

The County Cass
61 vs Plff in Error
J. L. Tillett

The argument of this cause was continued by Mr. F. K. Kinkead of counsel for the defendant in error and concluded by Mr. J. C. Broadhead for the plaintiff in error.

James A. Buster,
69 vs. Plff in Error,
J. B. Thomas

Ordered that this cause be and the same is hereby continued until the next term of this Court.

71	The City of Brownsville vs. Maria Josefa Cavazos et al.	Plff in Error.

Mr. R. J. Cox suggested the death of Mrs Maria Josefa Cavazos, one of the defendants in error in this cause and moved the Court for leave to enter the appearance of Pedro J. Cavazos, Executor of the said Maria Josefa Cavazos, as one of the defendants in error in this cause. Whereupon it is now here ordered that the said Pedro J. Cavazos, Executor as aforesaid be, and he is hereby entered and made a party defendant in error in this cause.—

71	The City of Brownsville, vs. Pedro J. Cavazos, Exec. of Maria J. Cavazos &c.	Plff in Error.

This cause was argued by Mr. F. J. Durant of counsel for the plaintiff in error, and by Mr. J. R. Cox for the defendant in error.—

Proclamation being made the Court is adjourned until Monday next at twelve o'clock.

Monday November 17th 1879—

Pursuant to adjournment the Court met today at the Capitol.

Present

The Honorable Morrison R. Waite	Chief Justice
Nathan Clifford	Associate Justices
Noah H. Swayne	
Samuel F. Miller	
Stephen J. Field	
William Strong	
Joseph P. Bradley	
John M. Harlan	

John B. Nicolay Esquire Marshal
Daniel Kelly Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. P. Phillips it is ordered that William C. Cates Esquire of Abbeville, State of Alabama, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.—

On motion first made to the Court in this behalf by Mr. John E. Parsons it is ordered

that Thosenor S. Hubbard, Esquire of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.—

	Charles H. Kirtland	In Error to the
23	vs. Plff. in Error,	Supreme Court
	Leonard S. Hotchkiss	of Errors, Litch-
		field County,

State of Connecticut.—

This cause came on to be heard on the transcript of the record from the Supreme Court of Errors, Litchfield County, State of Connecticut, and was argued by counsel.— On consideration whereof it is now here ordered and adjudged by this Court that the judgment of the said Supreme Court of Errors in this cause be, and the same is hereby affirmed with costs.—

per Mr. Justice Harlan.

	The Washington Market Co.		Appeal from the Supreme Court of the District of Columbia.
35	vs	Appellant	
	James C. Hoffman		

This cause came on to be heard on the transcript of the record from the Supreme Court of the District of Columbia, and was argued by counsel. On consideration whereof it is now here ordered, adjudged and decreed by this Court that the decree of the said Supreme Court in this cause be, and the same is hereby reversed with costs. And that this cause be, and the same is hereby remanded to the said Supreme Court with instructions to dismiss both the bill and cross bill.

per Mr. Justice Strong.

Dissenting-
Mr. Justice Bradley,
" " Harlan.

	David C. Cowell		In Error to the Supreme Court of the Territory of Colorado.
116	vs	Pltf in Error,	
	The Colorado Springs Company.		

Monday November 17th 1879 Continued.

This cause came on to be heard on the transcript of the record from the Supreme Court of the Territory of Colorado, and was argued by counsel. On consideration whereof it is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby affirmed with costs. And that this cause be, and the same is hereby remanded to the Supreme Court of the State of Colorado.—

per Mr. Justice Field.

The United States 705 vs Plaintiffs Emil Steffens	On a certificate of division in opinion between the judges of the Circuit Court

of the United States for the Southern District of New York.—

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of New York, and on the point or question on which the judges of the said Circuit Court were opposed in opinion and which was certi-

fied to this Court for its opinion agreeably to the Act of Congress in such case made and provided and was argued by counsel - On consideration whereof it is the opinion of this Court that the question certified be answered in the negative - Whereupon it is now here ordered and adjudged by this Court that it be so certified to the said Circuit Court -

per Mr. Justice Miller.

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711 The United States Plaintiffs
vs.
Adolph Hitterman

On certificate of division in opinion between the Judges of the Circuit Court of the United States for the Southern District of New York -

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of New York, and on the point or question on which the Judges of the said Circuit Court were opposed in opinion and which was certified to this Court for its opinion agreeably to the Act of Congress in such case made and provided, and was argued by

counsel – On consideration whereof it is the opinion of this Court that the question certified be answered in the negative – Whereupon it is now here ordered and adjudged by this Court that it be so certified to the said Circuit Court.

per Mr. Justice Miller.

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719 The United States vs Hamilton's W.H. Johnson, J.G. McNamara & N.S. Reeder –

On certificate of division in opinion between the Judges of the Circuit Court of the United States for the Southern District of Ohio –

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of Ohio, and on the point or question on which the Judges of the said Circuit Court were opposed in opinion and which was certified to this Court for its opinion agreeably to the Act of Congress in such cases made and provided and was argued by counsel – On consideration whereof it is the opinion of

this Court that the question certified be answered in the negative. Whereupon it is now here ordered and adjudged by this Court that it be so certified to the said Circuit Court.

per Mr. Justice Miller.

Francis Jeffrey, Admr. of
William Zentmeyer,
deceased.
Appellant
vs.
Charles Moran, Trustee.

Appeal from the Circuit Court of the United States for the Southern District of Ohio.

51

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of Ohio, and was argued by counsel. On consideration whereof it is now here ordered, adjudged and decreed by this Court that the decree of the said Circuit Court in this cause be, and the same is hereby affirmed with costs.

per Mr. Justice Swayne.

No

George S. Hatch
vs. Plff in Error.
The Standard Oil
Co. of Cleveland.

In Error to the
Supreme Court of
the United States
for the Eastern
District of Michi-
gan.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Michigan, and was argued by counsel. On consideration whereof it is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be, and the same is hereby affirmed with costs.

Per Mr. Justice Clifford.

Nixon M. Crane, Executor of Ellen Hallett deceased; Margaret K. H. Crittenden, Edward H. Crittenden her husband & Robt. L. Hallett & Saml. S. Hallett, infants, by Edward H. Crittenden their next friend, being heirs at law of Samuel Hallett deceased.—

vs.

The Kansas Pacific Railway Company, pro. &c. Usher et al.—

Appeal from the Circuit Court of the United States for the District of Kansas.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Kansas and was argued by counsel.—On consideration whereof it is now here ordered, adjudged and decreed by this Court that the decree of the said Circuit Court in this cause be, and the same is hereby affirmed with costs.—

per Mr. Chief Justice Waite.

62 The Kansas Pacific Railway Company. Plff in Error, vs. Louisa Twombly Administratrix of George H. Twombly deceased. | In Error to the Supreme Court of the Territory of Colorado.

This cause came on to be heard on the transcript of the record from the Supreme Court of the Territory of Colorado, and was argued by counsel. On consideration whereof it is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby affirmed with costs. And that this cause be, and the same is hereby remanded to the Supreme Court of the State of Colorado.

Per Mr. Chief Justice Waite.

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59 Joshua L. Miner Plff in Error, vs. The United States | In Error to the Circuit Court of the United States for the Southern District of New York.

Monday November 17th 1879. Continued

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of New York, and was argued by counsel. On consideration whereof it is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be, and the same is hereby reversed. And that this cause be, and the same is hereby remanded to the said Circuit Court with directions to enter judgment in favor of the United States for two thousand, one hundred and seven dollars and fifty cents, ($2,107.50) and interest since the commencement of this suit, being the balance due on the assessments as originally made by Assessor Franklin.

per Mr Chief Justice Waite.

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61 Henry Thomas vs Plff in Error, The Union Pacific Railroad Company. | In Error to the Supreme Court of the Territory of Utah.

This cause came on to be heard on the transcript of the record from the Supreme

Court of the Territory of Utah, and was argued by counsel. On consideration whereof it is now here ordered and adjudged by this Court, that the judgment of the said Supreme Court in this cause be, and the same is hereby affirmed with costs.—

per Mr. Chief Justice Waite.

The St. Louis National Bank—

920 vs Appellant

The United States Insurance Company et al—

On consideration of the motion to dismiss this cause it is ordered that said motion be, and the same is hereby postponed until the hearing of the cause upon its merits.

per Mr. Chief Justice Waite

The United States

875 vs Appellant

Charles Bowen.—

Mr. Assistant Attorney General Smith filed and submitted to the consideration of the Court, motion to advance this cause.—

	Albert Grant	On motion of Mr. R.
1013	vs Appellant	T. Merrick, leave is
	The Home Mutual	hereby granted the
	Life Insurance Co.	Clerk to issue the
		mandate in this cause.

	The Baltimore & Potomac	The motion to dis-
	Railroad Company,	miss this cause was
136	vs. Pltf. in Error	submitted to the
	John N. Brook.	consideration of
		the Court on print-

ed arguments by Mr. J. S. Payne in support of the same.

	John R. Weatherby	The motion to dis-
190	vs. Pltf. in Error,	miss this cause was
	Matilda L. Bowie et al.	resubmitted to the
		consideration of the

Court (in lieu) on printed arguments by Mr. James Lowndes in support of the same and by Mr. J. A. Kennard in opposition thereto.

	Napoleon Collins	Mr. E. H. Hackett
92	vs. Appellant	suggested the
	The Steamer Florida &c.	death of Napoleon

Collins the appellant in this cause, and moved the Court for leave to enter the appearance of Mary P. Collins admx. of said Napoleon Collins, as the appellant in this cause— Whereupon it is ordered that the said Mary P. Collins, Administratrix of Napoleon Collins deceased as aforesaid, be, and she is hereby entered as the appellant in this cause in place of said Napoleon Collins, deceased.—

The Western North Carolina R. R. Co.	Ordered that the motion to vacate the order of dismissal
132 vs. Appellant	entered in this
Sec. of Treas. of U.S. et al.	

cause be, and the same is hereby postponed until the 8th of December.

The Florida Central Railroad Company,	On motion of Mr. P. Phillips it is ordered
1022 vs. Appellant	that the motion to vacate the
J. Fred. Schultz et al.	

supersedeas in this cause be, and the

same is hereby postponed until the eighth of December.—

	The Florida Central Railroad Company	On motion of Mr. Carpenter leave is hereby granted time to file motion to
1022	vs. Appellant	
	J. Fred. Schultz et al.	

dismiss this cause.

	Ex parte: In the matter of Augustus B. Revercomb et al.	The petition for a writ of Mandamus in this cause was argued
9	orgl. Petitioners.	

by Mr. R. D. Benedict in support of the petition and by Mr. John L. Parsons in opposition thereto.

	John Lammers	This cause was argued by Mr. W. H. Carpenter of counsel for
72	vs. Hyp in Error	
	P. C. Nissen et al.	

the plaintiff in error, and submitted on printed arguments by Mr. H. F. Paine for the defendants in error.—

	Thomas J. Woolford et al.	The argument of
73	vs. appellants.	this cause was
	Robert S. Nisbet, Trustee &c.	commenced by
		Mr. Clifford Anderson of counsel for the appellants.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Tuesday November 18th 1879—

Pursuant to adjournment the Court met today at the Capitol.

Present

The Honorable Morrison R. Waite — Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan — Associate Justices

John G. Nicolay Esquire, Marshal
Daniel Hasley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion just made to the Court in this behalf by Mr F. H. Frelinghuysen, it is ordered that Parker Sumners Esquire of Trenton, State of New Jersey, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

220	The American Cotton Oil Company, Plff. in Error, vs. John A. Klein et al.	On motion of Mr. F. J. Durant it is ordered that leave be granted him to withdraw his appearance in this cause.

73	Thomas J. Woolfork et al. Appellants, vs. Lott A. Rust, Trustee &c.	The argument of this cause was continued by Mr. Gifford Anderson of counsel for the appellants, by Mr. R. T. Lyon for appellee and concluded by Mr. G. Anderson for the appellants.

71	William V. Cates Plff. in Error, vs. The First National Bank of Montgomery.	The argument of this cause was commenced by Mr. H. H. Phillips of counsel for the plaintiff in error, continued by Mr. W. C. Cates, the plaintiff in error, and submitted on printed arguments by Mr. H. C. Semple for the defendant in error.

	U. S. Arthur, Collector &c.	This cause was argued by Mr. Assistant Attorney General
77	vs. Aff. in Error.	
	Emil Herold.	

Smith of counsel for the plaintiff in error, and by Mr. S. F. Clarke for the defendant in error.—

Proclamation being made the Court is adjourned until Thursday next at twelve o'clock.

Thursday November 20th 1879

Pursuant to adjournment the Court met to-day at the Capital.

Present:

The Honorable Morrison R. Waite	Chief Justice
Nathan Clifford	Associate Justices
Noah H. Swayne	
Samuel F. Miller	
Stephen J. Field	
William Strong	
Joseph P. Bradley	
John M. Harlan	

John F. Nicolay Esquire, Marshal
David Kelley Middleton, Clerk.

Proclamation being made the Court is opened

On motion first made to the Court on this behalf by Mr. H. H. Prescott, it is ordered that H. Parke Branham, Esquire of Oxford, State of Mississippi, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

William C. Langsdale subrogated for the Salvor Wrecking and Transportation Company

167 vs. Appellant

The St Louis Sectional Dock Company, William Thomas, Louis Glenn, Milton Glenn, Henry Adams, Sarah S. Morse and Mary Thomas.

Appeal from the Circuit Court of the United States for the Eastern District of Missouri.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Missouri, and on the stipulation on file, and motion of Mr. Fillmore Beall it is now here ordered, adjudged and decreed by this Court that this appeal be, and the same is hereby dismissed as to all the appellees, except the St. Louis Sectional Dock Company.

It is further ordered, adjudged and decreed in accordance with said stipulation, that the decree of the said Circuit Court as to the said St. Louis Sectional Dock Company be,

and the same is hereby reversed.
And it is further ordered, adjudged and decreed that the said St Louis Sectional Dock Company pay to William S. Lange, subrogated to the Salvor Wrecking and Transportation Company, the sum of one thousand dollars: and that the said St Louis Sectional Dock Company also pay all the taxable costs in this Court and in the Circuit and District Courts, in said cause incurred. And that this cause be, and the same is hereby remanded to the said Circuit Court.

per Mr. Chief Justice Waite.

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167 William S. Lange, subrogated &c. vs. The St Louis Sectional Dock Company et al. — Appellants

On motion of Mr. Fuller leave is hereby granted the Clerk to issue the mandate in this cause.

1079 Rebecca Polk, vs. Hyppolite Erasme Oliver Shadeleth

Mr H. P. Branham having filed in open Court the following certificate

Scwit:

"United States of America
Northern District of Mississippi
In the District Court of the United States
for the Northern District of Mississippi
Abner Shacklett Plaintiff in said Court.

vs.

Rebecca Polk Defendant in said Court

I hereby certify that on the 5th day
of March A.D. 1879. Rebecca Polk filed
in said Court in the above entitled cause
her petition for a writ of error to the Su-
preme Court of the United States which
said writ has been duly sued out and al-
lowed and a transcript of the record in
said cause according to direction has been
delivered to the attorneys of said plaintiff
in error.

In testimony whereof
I hereunto set my hand
and affix the seal of
said Court at my office
in Oxford in said District
on this the 13th day of
November A.D. 1879.

(Seal)

And having stated that the plaintiff in error has failed to file the record of said cause in this Court or in any way to prosecute said writ of error. Moved the Court in pursuance of the 6th rule to have the writ of error in this cause docketed and dismissed. On consideration whereof it is now here ordered and adjudged by this Court that the writ of error in this cause to the District Court of the United States for the Northern District of Mississippi be, and the same is hereby docketed and dismissed with costs. And that this cause be, and the same is hereby remanded to the said District Court to be proceeded in according to law and justice.

per Mr. Chief Justice Waite.

No. 16 Neal Dow, Pl'ff in Error, vs. Bradish Johnson.

The argument of this cause was commenced by Mr. Assistant Att. Genl. General Smith of counsel for the plaintiff in error, continued by Mr. Thomas J. Durant of counsel for the defendant in error, and concluded.

by Mr. Attorney General Brewster for the plaintiff in error.

75	The Pittsburgh Gas Co. vs. The City of Pittsburgh	Error,	This cause was argued by Mr. C. A. Ray of counsel for the plaintiff in error, and submitted on printed arguments by Mr. George Shiras jr. of counsel for the defendant in error.

76	Nicolas Marquez vs. Error, Jno. B. Frisbie et al.	The argument of this cause was commenced by Mr. R. T. Merrick of counsel for the plaintiff in error.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Friday November 21st 1879

Pursuant to adjournment the Court met today at the Capitol.

Present

The Honorable Morrison R. Waite	Chief Justice
Nathan Clifford	Associate justices
Noah H. Swayne	
Samuel F. Miller	
Stephen J. Field	
William Strong	
Joseph P. Bradley	
John M. Harlan	

John F. Nicolay, Esquire Marshal
Daniel Hesley Middleton Clerk.

Proclamation being made the Court is opened.

Nicholas Hargrave	vs	The argument of
Plff in Error		this cause was con-
Jno. B. Trieschmann		cluded by Mr. R. J.
		Merrick of counsel

for the plaintiff in error & counsel of fearing for the defendants in error.

	Annie Keogh in her own right & as guardian &c.		This cause was submitted to the consideration of the Court on the record
79	vs	Pff. in Error,	
	The Texas & Pacific R. R. Co.		

and printed arguments by Mr. James Turner of counsel for the plaintiff in error, and by Mr. John C. Brown for the defendant in error.

	Cornelia M. Stewart et al.		The argument of this cause was commenced
80	vs	Appellants	
	Jno. H. Platt, Assignee &c.		

by Mr. Roscoe Conkling of counsel for the appellants, and continued by Mr. C. H. Dana and Mr. D. McMahon for the appellee.

Proclamation being made the Court is adjourned until Monday next at twelve o'clock.

Monday November 24th 1879

Pursuant to adjournment the Court met today at the Capitol.

Present

The Honorable Morrison R. Waite	Chief justice
Nathan Clifford	Associate justices
Noah H. Swayne	
Samuel F. Miller	
Stephen J. Field	
William Strong	
Joseph P. Bradley	
John M. Harlan	

John F. Nicolay Esquire Marshal
Daniel Hastings Middleton Clerk

Proclamation being made the Court is opened.

On motion first made to the Court in the absence of the Attorney General, it is ordered that George R. Kaercher Esquire of Pottsville, and Rudolph M. Hick Esquire of Philadelphia, State of Pennsylvania, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. C. D. Hillard, it is ordered that Moran Merriam Esqure of Trinidad, State of Colorado, be admitted to practice as an attorney and counsellor of this Court, and he was sworn accordingly.

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16 The American Emigrant Co. vs. The County of Adams

Appellant

Appeal from the Circuit Court of the United States for the District of Iowa.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Iowa, and was argued by counsel. On consideration whereof, it is now hereordered, adjudged and decreed by this Court that the decree of the said Circuit Court in this cause be, and the same is hereby reversed with costs. And that this cause be, and the same is hereby remanded to the said Circuit Court with directions to enter a decree dismissing the bill, without prejudice to the right of the County to bring an action at law for any

breach of the terms of the contract.

per Mr. justice Bradley.

49

Isaac S. Kurt vs. Pltf in Error J. M. Hollingsworth	In Error to the Circuit Court of the United States for the Eastern Dist.

trict of Texas.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Texas and was argued by counsel. On consideration whereof, it is now here ordered and adjudged by this Court, that the judgment of the said Circuit Court in this cause be, and the same is hereby reversed with costs. And that this cause be, and the same is hereby remanded to the said Circuit Court with directions to allow the plaintiff to amend his bill and to strike out of the answer of the defendant so much as prays for the possession of the premises and the value of the rents and profits.

per Mr. justice Field.

Monday November 24th 1879 Continued

Oswald Broder 61 vs Plff. in Error The National Water & Mining Company.	In Error to the Supreme Court of the State of Cali- fornia.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of California and was argued by counsel. On consideration whereof, it is now hereby ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby affirmed with costs.

per Mr. Justice Miller.

The United States 706 vs Plff. in Error. James C. Curtis and Joshua T. Foster and James S. Curtis and Joshua T. Foster 707 vs Plffs. in Error The United States	In Error to the Circuit Court of the United States for the District of Massachusetts.

Monday November 21st 1879, Continued.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Massachusetts, on writ of error and cross writ of error, and was argued by counsel. On consideration whereof, it is now here ordered and adjudged by this Court, that the judgment of the said Circuit Court in this cause be, and the same is hereby affirmed, with interest until paid at the same rate per annum that similar judgments bear in the Courts of the State of Massachusetts.

per Mr. Justice Miller.

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55 The United States vs. Plff. in Error, Joseph T. Dawson, Upton White, Saml. Dyson & David F. White, survivors of Geo. W. Dawson, decd.

In Error to the Circuit Court of the United States for the District of Maryland.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of

Maryland, and was argued by counsel. On consideration whereof, it is now here ordered and adjudged by this Court, that the judgment of the said Circuit Court in this cause be, and the same is hereby affirmed, with interest until paid at the same rate per annum that similar judgments bear in the Courts of the State of Maryland.

Per Mr. Justice Miller.

47	Charles K. Holden vs. The Freedmens Saving & Trust Co. et al.	Appeal from the Supreme Court of the District of Columbia.

This cause came on to be heard on the transcript of the record from the Supreme Court of the District of Columbia, and was argued by counsel. On consideration whereof, it is now here ordered, adjudged and decreed by this Court, that the decree of the said Supreme Court in this cause be, and the same is hereby modified in the following particulars, to wit:

1. The rate of interest allowed on said

promissory note for five thousand dollars, bearing date October 13th 1876, is hereby adjudged and decreed to be ten per centum per annum from the said date to the 16th day of October, 1876, the day of the maturity of said note, and after that date at the rate of six per centum per annum.

2. It is further ordered, adjudged and decreed, that Fillmore Beall be, and he is hereby appointed trustee in lieu of Daniel L. Eaton, deceased, and also in lieu of Thomas J. L. Fuller, deceased, to execute the powers in and by the said deed of trust, bearing date October 13th 1876, mentioned and described in the proceedings in this cause.

And it is further ordered, adjudged and decreed, that said decree of the said Supreme Court of the District of Columbia be, and the same is hereby in all other respects affirmed with costs.

per Mr. Justice Swayne.

65 The Providence Steam Engine Company, Plff in Error, vs. Charles Hubbard — | In Error to the Circuit Court of the United States for the District of Connecticut —

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Connecticut, and was argued by counsel — On consideration whereof, it is now here ordered and adjudged by this Court, that the judgment of the said Circuit Court in this cause be, and the same is hereby affirmed with costs —

per Mr. Justice Clifford.

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72 John Lammers vs. Plff in Error, P. C. Kissen, Henry Keller, Peter Johnson and Mrs. Christian Hong — | In Error to the Supreme Court of the State of Nebraska —

This cause came on to be heard on the transcript of the record from the Supreme Court

of the State of Nebraska, and was argued by counsel. On consideration whereof, it is now here ordered and adjudged by this Court, that the judgment of the said Supreme Court in this cause be, and the same is hereby affirmed with costs.

per Mr. Chief Justice Waite.

Ex parte: In the matter of Augustus B. Levy et al. / original. Petitioners

On consideration of the petition for a writ of Mandamus in this cause, it is ordered that said petition be, and the same is hereby denied.

per Mr. Chief Justice Waite.

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75 The Pittsburgh Gas Co. vs. The City of Pittsburgh. / Plff. in Error,

In Error to the Supreme Court of the State of Pennsylvania.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Pennsylvania, and was argued by counsel. On consideration whereof,

it is now hereordered and adjudged by this Court, that the judgment of the said Supreme Court in this cause be, and the same is hereby affirmed with costs.

per Mr. Chief Justice Waite.

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77 Chester A. Arthur, Collector of the Port of New York, Plff. in Error, vs. Emil Herold. | In Error to the Circuit Court of the United States for the Southern District of New York.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of New York, and was argued by counsel. On consideration whereof, it is now hereordered and adjudged by this Court, that the judgment of the said Circuit Court in this cause be, and the same is hereby affirmed with costs and interest until paid at the same rate per annum that similar judgments bear in the Courts of the State of New York.

per Mr. Chief Justice Waite.

436 The Baltimore and Potomac R.R. Co. vs. Affirm Error. John N. Brook | In Error to the Supreme Court of the District of Columbia.

This cause came on to be heard on the transcript of the record from the Supreme Court of the District of Columbia and on the motion to dismiss, which was argued by counsel. On consideration whereof, it is now here ordered and adjudged by this Court, that the writ of error in this cause be, and the same is hereby dismissed. Each party to pay their own costs in this Court.

per Mr. Chief Justice Waite.

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175 The United States vs. Appellant Charles Down | On consideration of the motion to advance this cause, it is ordered that said motion be, and the same is hereby granted: And the cause is assigned for argument at the foot of the day calendar for December 8th.

Samuel S. Walker, Joseph K. Walker, David F. Walker, Matthew H. Walker, Copartners as Walker Bros.

1081 vs. Plffs. in Error

Charles Popper and The First National Bank of Utah.

Wm. R. P. Lowe having filed in open Court the following certificate, to wit:-

"In the Supreme Court of Utah Territory.

Samuel S. Walker, Joseph K. Walker, David F. Walker, Matthew H. Walker, Copartners under firm name of Walker Bros. Appellants and Plaintiffs.

vs.

Charles Popper and First National Bank of Utah, Respondents and Defendants.

Territory of Utah } ss.
Salt Lake County }

I, C. H. Sprague, the Clerk of the Supreme Court of the said Territory of Utah, do hereby certify that in the above entitled cause, the judgment of said Supreme Court was made and entered the 11th day of February A.D. 1875, that on the 15th day of February in the

same said year, A.D. 1875, a writ of error was issued to remove said cause to the Supreme Court of the United States, and a copy thereof with a citation thereon and bond for costs therein, were on the day last aforesaid filed in my office: that on the 6th day of August A.D. 1875, I made, certified and attached to said writ of error and delivered to E. J. Dasken Esquire, attorney for said plaintiffs, a transcript of the record and proceedings in and of said Supreme Court of Utah Territory in said cause, together with said citation and a transcript of said bond, that said plaintiffs and appellants are the plaintiffs in error in said writ of error, named and said Dasken was one of their attorneys of record in said Supreme Court of Utah Territory—

In witness whereof I have hereunto set my hand and the seal of said Supreme Court of Utah Territory, this 3rd day of December A.D. 1879

(Seal)

E. J. Sprague

And having stated that the plaintiff's in error had failed to file the record of said cause in this Court or in any way to prosecute said writ of error - moved the Court, in pursuance of the 9th rule, to have the writ of error in this cause docketed and dismissed - On consideration whereof, it is now here ordered and adjudged by this Court, that the writ of error in this cause to the Supreme Court of the Territory of Utah be, and the same is hereby docketed and dismissed with costs. And that this cause be, and the same is hereby remanded to the said Supreme Court, to be proceeded in according to law and justice

per Mr. Chief Justice Waite.

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102 George Tollandsbee vs Appellant / The Ballard Paving Company

On motion of Mr. J. H. Bradley it is ordered that Numbers 1111-1075 and 1076, be consolidated with this case and argued together as one case, when No 102 is reached.

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111 William G. Langford
vs. Appeal from Circ.
Charles E. Monteith

On motion of Mr Assistant Attorney General Smith it is ordered that this cause be passed until No 239 is reached.

Ex parte: In the matter of
Ms. Rosenbaum
original Petitioner

On motion of Mr. H. C. Maury leave is hereby granted him to file petition for a writ of Mandamus in this cause. Mr. Maury also submitted motion for rule to show cause and motion for injunction in this cause.

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115 The Gilbert and Baker
Manufacturing Company
vs. Appellant
The Walworth Manufacturing Company

On motion of Mr. W. H. Phillips leave is hereby granted. The Clerk to issue the mandate in this cause.

Monday November 24th 1879, Continued:

	The United States	Mr. J. L. Bradford
81	vs. Appellant	suggested the death
	Henry Clamorgan et al.	of Henry T. Blow Sr.
	and	and Louis A. La-
	Henry Clamorgan et al.	beaume, and
82	vs. Appellants	moved the Court
	The United States	that James L. Hulse,
		Admr. and Nomie

Labeaume Hicks, Executrix of said Blow and Labeaume respectively be made parties in their place - Whereupon it is ordered that James L. Hulse, Administrator of said Henry T. Blow, deceased, be entered as a party in these cases instead of said Henry T. Blow, deceased: And that Nomie Labeaume Hicks, Executrix of said Louis A. Labeaume be entered as a party in said cases instead of Louis A. Labeaume, deceased.

	Lucy C. Flagler Sr. et al.	Mr. Herbert called
959	vs. Appellants,	up motion to dis-
	Catharine Parfait	miss this cause -
		Whereupon it is

ordered that said motion be, and the same is hereby postponed -

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Monday November 24th 1879 Continued.

173	William McIntyre vs. Plff in Error John Tibbins	This cause was submitted to the consideration of the Court on the record and printed argument by Mr. Jon Sheckels of counsel for the plaintiff in error, and by Mr. E. D. Hoge of counsel for the defendant in error.

80	Cornelia M. Stewart et al. vs Appellants John N. Hatchings &c.	The argument of this cause was continued by Mr. Dennis McMahon of counsel for the appellees and concluded by Mr. Roscoe Conkling for the appellants

83	Margaret Metzel vs. Plff in Error The Balto & Ohio Railroad Company.	The argument of this cause was commenced by Mr. F. H. Hackett of counsel for the plaintiff in error; continued by Mr. F. A. Morrick for the defendant in error and concluded by Mr. H. D. Davidge for the plaintiff in error.

Proclamation having made the Court is adjourned until tomorrow at twelve o'clock.

Tuesday November 25th 1879

Pursuant to adjournment the Court met today at the Capitol.

Present

The Honorable Morrison R. Waite	Chief Justice
Nathan Clifford	Associate Justices
Noah H. Swayne	
Samuel F. Miller	
Stephen J. Field	
William Strong	
Joseph P. Bradley	
John M. Harlan	

John F. Nicolay Esquire Marshal
David Hastey Middleton Clerk

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. H. A. Haun; it is ordered that L. M. Helmas Esquire of San Jose, State of California, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

Tuesday November 25th 1879 Continued.

	The United States	Appeal from the
882	vs. Appellants	Court of Claims
	William S. Shumsbury	

This cause came on to be heard on the transcript of the record from the Court of Claims and on the motion of Mr. Solicitor General Phillips of counsel for the appellant, it is now here ordered and adjudged by this Court that this appeal be, and the same is hereby dismissed.

per Mr. Chief Justice Waite.

	William S. Chapman	Mr Solicitor
1082	vs Appellant	General Phillips
	The United States.	having filed in
		open Court the

following certificate, to wit:

"In the Circuit Court of the United States
of the Ninth Judicial Circuit
In and for the District of California.

The United States of America }
vs. }
William S. Chapman }

I Lorenzo S. B. Sawyer Clerk of the Circuit Court of the United States for the Dis

trict of California, do hereby certify that a decree in a favor of complainant was entered in the above entitled cause on the 26th day of May A.D. 1879, being a day in the February Term A.D. 1879, of said Circuit Court, that subsequently, to wit: on the 7th day of July A.D. 1879, being a day in the said term of said Court, an order was made by said Circuit Court and entered upon the Minutes thereof, granting an appeal from said decree to the Supreme Court of the United States— I further certify that on the 12th day of July A.D. 1879, a bond on appeal was duly approved by Hon. Lorenzo Sawyer, Judge of said Circuit Court and filed in the Clerk's office of said last named Court— I further certify that no transcript on appeal has been made out by me in said foregoing entitled suit—

Witness my hand and the seal of said Circuit Court this 16th day of October A.D. 1879.

(Seal)

L. S. B. Sawyer
by Clerk
J. F. O'Beirne
Deputy Clerk"

Thursday November 25th 1879 continued.

And having stated that the appellant has failed to file the record of said cause in this Court or in anyway to prosecute said appeal - Moved the Court, in pursuance of the 9th rule, to have this appeal docketed and dismissed - On consideration whereof, it is now here ordered, adjudged and decreed by this Court, that this appeal from the Circuit Court of the United States for the District of California be, and the same is hereby docketed and dismissed - And that this cause be, and the same is hereby remanded to the said Circuit Court to be proceeded in according to law and justice -

per Mr. Chief Justice Waite

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814 The Inhabitants of the Township of Pompton, Plff. in Error
vs.
The Cooper Union for the advancement of Science -

Ordered that leave be granted counsel on both sides to file additional briefs in this case -

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Tuesday November 25th 1879 Continued.

	The Inhabitants of the Township of Pomfret	The argument of this cause was commenced by Mr. T. M. Mc Carter of counsel for the plaintiffs in error, continued
121	vs Plffs. in Error.	
	The Cooper Union for the advancement of Science	

by Mr. Parker Shumway for the defendant in error, and concluded by Mr. T. F. Frelinghuysen for the plaintiffs in error.

	Sextus N. Wilcox	This cause was submitted to the consideration of the Court on the record and printed argu-
85	vs. Plff. in Error.	
	The Muskegon Booming Company	

ment by Mr. L. D. Ferris of counsel for the plaintiff in error and by Mr. M. J. Smiley for the defendant in error.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Wednesday November 26th 1879

Pursuant to adjournment the Court met today at the Capitol.

Present

The Honorable Morrison R. Waite — Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller — Associate Justices
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan

John G. Nicolay Esquire, Marshal
Daniel Kelly Middleton, Clerk

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. C. S. Porter, it is ordered that H. H. K. Miller Esquire of Indianapolis, State of Indiana, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

91	Elizabeth Kip Plff in Error vs The New York & Harlem R.R. Co.	On motion of Mr. P. Phillips in behalf of counsel it is ordered that this cause be passed for settlement.

1022	The Florida Central Railroad Company Appellant vs Fred. Schutterhal.	On motion of Mr. P. Phillips, leave is hereby granted the Clerk to open and file all the depositions in this cause taken under the order entered on the 27th day of October.

512	The United States Appellant vs Wm. S. Shrewsbury	On motion of Mr. H. Spalding, leave is hereby granted the Clerk to issue the mandate in this cause.

16	Emanuel Bast Plff in Error vs The First National Bank of Ashland	This cause was argued by Mr. F. H. Hughes of counsel for the plaintiff

Wednesday November 26th 1879 Continued

in error and by Mr. R. M. Schick and Mr George R. Kaercher for the defendant in error.

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87 William S. Phillips vs. Appellant
J. F. Gilbert

The argument of this cause was commenced by Mr. Geo. F. Apple-by of counsel for the appellant and continued by Mr. Enoch Totten of counsel for the appellee.

Proclamation during made the Court is adjourned until Monday next at 9 o'clock.

Monday December 1st 1879

Pursuant to adjournment the Court met to-day at the Capitol—

Present—

The Honorable Morrison R. Waite — Chief Justice

Nathan Clifford
Noah H. Swayne
Samuel F. Miller
William Strong
Joseph P. Bradley
John M. Harlan
— Associate Justices

John F. Nicola Esquire, Marshal
Daniel Chester Middleton, Clerk

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Samuel Shellabarger, it is ordered that S. O. Griswold Esquire of Cleveland, and F. K. Hamilton Esquire of Toledo, State of Ohio, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hoe & Mauny, it is ordered that Luke H. Finlay Esquire of Memphis, State of Tennessee and Robert Sites of Richmond, State of Virginia, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court on this behalf by Mr. Matt H. Carpenter, it is ordered that George Theaton Deans Esquire of Jacksonville, State of Florida, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

58

Edward Clark, Trustee and Louisa McClellan Appellants
vs.
The Commissioners of the Freedmens Savings & Trust Company et al.

Appeal from the Supreme Court of the District of Columbia.

This cause came on to be heard on the transcript of the record from the Supreme Court of the District of Columbia, and was

argued by counsel. On consideration whereof, it is now here ordered, adjudged and decreed by this Court, that the decree of the said Supreme Court in this cause be, and the same is hereby affirmed with costs.

per Mr. Justice Harlan.

The Chesapeake & Ohio Canal Company
67 vs. Appellant
Thos. Ray & Albert Ray.

Appeal from the Supreme Court of the District of Columbia.

This cause came on to be heard on the transcript of the record from the Supreme Court of the District of Columbia, and was argued by counsel. On consideration whereof, it is now here ordered, adjudged and decreed by this Court, that the decree of the said Supreme Court in this cause be, and the same is hereby affirmed with costs.

per Mr. Justice Strong.

William McIntyre
173 vs. Plff in Error.
John Giblin

In Error to the Supreme Court of the Territory of Utah.

This cause came on to be heard on the transcript of the record from the Supreme Court of the Territory of Utah and was argued by counsel On consideration whereof, it is now here ordered and adjudged by this Court, that the judgment of the said Supreme Court in this cause be, and the same is hereby affirmed with costs.

Per Mr. Chief Justice White.

Sarlus C. Wilcox
85 vs. Plff. in Error.
The Muskegon Booming Company.

In Error to the Circuit Court of the United States for the Western District of Michigan.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Western District of Michigan and was argued by counsel On consideration whereof, it is now here ordered and adjudged by this Court, that the judgment of the said Circuit Court in this cause be, and the same is hereby affirmed with costs, and interest until paid at the same rate per annum that similar judgments bear in the Courts of the

Monday December 1st 1879. Continued.

State of Michigan.—

per Mr. Chief Justice Waite.

Thomas J. Woolfolk
Henry Cowell and
S. D. Woolfolk
173 vs. Appellants
Robert A. Nisbet, Trustee of the Estate of
Woolfolk, Tucker & Co.
Bankrupts.—

Appeal from the Circuit Court of the United States for the Southern District of Georgia.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of Georgia, and was argued by counsel. On consideration whereof, it is now here ordered, adjudged and decreed by this Court that the decree of the said Circuit Court in this cause be, and the same is hereby affirmed with costs.—

per Mr. Chief Justice Waite.

Monday December 1st 1879 Continued.

The Chief Justice announced that the Court had adopted the following new rule –

Rule 31–

All records and arguments printed for the use of the Court must be in such form and size that they can be conveniently cut and bound so as to make an ordinary octave volume.

After the first day of October 1880, the Clerk will not receive or file records or arguments intended for distribution to the judges that do not conform to the requirements of this rule.

S. M. Yates et al.
96 vs. Pff. in Error.
R. C. Brinkley –

Mr. Luke E. Finlay suggested the death of R. C. Brinkley the defendant in error in this cause and on the consent of counsel, it is ordered that James L. Woodlief, Executor of R. C. Brinkley, deceased, be entered as the defendant in error in this cause. –

96	S. M. Yates et al. vs. Plffs. in Error. James L. Woodloe, Executor of P. C. Brinkley, deceased.	On motion of Mr. J. B. Kimball, leave is hereby granted him to file motion to dismiss this cause and also to file proofs in support of said motion.

102	George Tollanshee vs. Appellant The Ballard Paving Co.	The motion to dismiss this cause was submitted to the consideration of the Court on printed arguments by Mr. A. S. Worthington in support of the same and by Mr. H. A. Cook in opposition thereto.

1025	The District of Columbia et al. vs. Appellants. Charles King.	On motion of Mr. H. Willoughby, leave is hereby granted the Clerk to issue the mandate in this cause.

Monday December 1st 1879 Continued.

The Chicago & Pacific Railroad Company
957 vs. Appellants.
John F. Blair et al.
and
Walter S. Burnett et al.,
Trustees
958 vs. Appellants.
John F. Blair et al.

The motion to dismiss these causes was submitted to the consideration of the Court on printed arguments by Mr. H. C. Earnest in support of the same and by Mr. L. Trumbull in opposition thereto in 957, and Mr. S. C. Judd and Mr. H. F. Whitehouse in opposition thereto in 958.

Leave is also granted Mr. Earnest to file additional affidavit in support of his motion.

William H. Phillips
17 vs. Appellant
B. F. Gilbert

The argument of this cause was continued by Mr. S. R. Bond of counsel for the appellee and concluded by Mr. George F. Appleby for the appellant.

	The Indianapolis, Bloomington and Western Railway Company, George B. Wright, Receiver &c.	In Error to the Circuit Court of the United States for the District of Indiana.
1156	vs. Plffs. in Error.	
	The Rogers Locomotive and Machine Works.	

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Indiana, and on motion of Mr. C. K. Fairbanks of counsel for the plaintiffs in error, it is now here ordered and adjudged by this Court, that the writ of error in this cause be, and the same is hereby dismissed with costs.

per Mr. Chief Justice Waite.

	Caroline A. Brough	This cause was submitted to the consideration of the Court on the
811	vs. Plff. in Error.	
	The City of Topeka.	

record and printed arguments by Mr. Alfred Ennis of counsel for the plaintiff in error and by Mr. A. L. Williams for the defendant

in error, under the 20th rule.—

Ex parte: In the matter of
Ulr. Rosenbaum
12 original Petitioner.

The argument of the petition for a writ of Mandamus in this cause was commenced by Mr. J. C. Meredith in support thereof, continued by Mr. John Howard and Mr. Robert Styles in opposition thereto and concluded by Mr. W. L. Maury in support of the petition.

Fletcher F. Lansdale
88 vs. Pltff. in Error
H. S. Daniels.

This cause was argued by Mr. Rodney Mason of counsel for the plaintiff in error, and submitted on printed argument by Mr. Walter Van Dyke and Mr. W. H. H. Cope for the defendant in error.—

J. J. Kain, Bishop &c.
89 vs. Appellant
C. S. Gibboney Executrix &c.

This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. John

Mr Johnston of counsel for the appellant and by Mr John K. Campbell for the appellee.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Tuesday December 2nd 1879

Pursuant to adjournment the Court met today at the Capitol.

Present

The Honorable Morrison R. Waite	Chief Justice
Nathan Clifford	
Noah H. Swayne	
Samuel F. Miller	Associate
Stephen J. Field	Justices
William Strong	
Joseph P. Bradley	
John M. Harlan	

John F. Nicolay Esquire, Marshal
Daniel Kelley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Talcott Parsons, it is ordered that John S. Monk Esquire of Onawa, State of Iowa, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. R. Biddle Roberts, it is ordered that Nathan Webb Esquire of Portland, State of Maine, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Stanley Matthews, it is ordered that Lawrence Maxwell Jr. Esquire of Cincinnati, State of Ohio, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

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113 William Dudley assignee &c. Appellant
v.
J. H. Easton et al.

Mr. Wm. R. Walker suggested the death of Joseph G. Easton, one of the appellees in this cause and moved the Court for an order under the 15th rule, to make the proper representatives parties. Whereupon it is now here ordered by the Court, that unless the proper representatives of the said Joseph G. Easton, deceased as aforesaid, shall voluntarily become parties within the

first ten days of the ensuing term of this Court, the appellant shall be entitled to open the record and on hearing, have the cause reversed if it be erroneous. Provided that a copy of this order shall be printed in newspaper at the seat of Government for three successive weeks, at least sixty days before the beginning of the term of the Supreme Court next ensuing —

for Mr Chief Justice Waite.

	Wm Dudley, Assignee &c.		Ordered that this cause be and the same is hereby continued
113	vs.	Appellant	
	J. H. Easton et al.		

until the next term.

	Oline Jones, by her next friend, Malcott P. Jones		Mr John G. Morgan of counsel for the defendants in error, having filed in open Court copies
1087	vs.	Plff in Error.	
	William H. Fellows and Jonathan Haralson		

of the judgment of the Supreme Court of the State of Alabama; petition for writ of error; writ of error;

writ of error bond, and citation in the above entitled cause, duly certified by the Clerk of said Supreme Court, and having stated that the plaintiffs in error have failed to file the record of said cause in this Court or in any way to prosecute said writ of error, now here moved the Court in pursuance of the 9th rule, to have the writ of error in this cause docketed and dismissed: On consideration whereof, it is now here ordered and adjudged by this Court, that the writ of error in this cause to the Supreme Court of the State of Alabama be, and the same is hereby docketed and dismissed with costs: And that this cause be, and the same is hereby remanded to the said Supreme Court to be proceeded in according to law and justice

per Mr. Chief Justice Waite.

Frances E. Hinckley, late Receiver &c. -

vs. Appellant

The Gilman, Clinton & Springfield R. R. Co.

This cause was argued by Mr. S. H. Kretzinger of counsel for the appellant and by Mr.

R. Biddle Roberts for the appellee.

92 Mary P. Collins, Admx of Napoleon Collins dec'd. vs. The Steamer Florida &c. Appellant

The argument of this cause was commenced by Mr. F. H. Hackett of counsel for the appellant, continued by Mr. Solicitor General Phillips of counsel for the appellee and concluded by Mr. B. F. Butler for the appellant.

94 The Cincinnati & Chicago Air Line Railroad Co. vs. James Pullan, Trustee &c. Appellant

Ordered that this cause be and the same is hereby passed.

95 William D. M. Baker vs. Elizabeth Selden Appellant

On motion of Mr. C. F. Moulton, leave is hereby granted him to file brief for appellee within ten days from this date; and leave is also granted Mr. Lloyd to file reply thereto by the 6th instant.

Tuesday December 2nd 1879 Continued.

95 William S. Ill. Baker vs. Elizabeth Selden

Appellant

The argument of this cause was commenced by Mr. N. P. Lloyd of counsel for the appellant.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Wednesday December 3rd 1879

Pursuant to adjournment the Court met today at the Capitol.

Present

The Honorable Morrison R. Waite	Chief Justice
Nathan Clifford	Associate Justices
Noah H. Swayne	
Samuel F. Miller	
Stephen J. Field	
William Strong	
Joseph P. Bradley	
John M. Harlan	

John F. Nicolay Esquire, Marshal
Daniel Hardy Middleton, Clerk

Proclamation being made the Court is opened.

William C. M. Baker
vs. Appellant
Elizabeth Selden

p. 5

The argument of this cause was continued by Mr C. W. Moulton and Mr M. F. Southard of counsel for the appellee and concluded by Mr H. F. Lloyd for the appellant

Wednesday December 3rd 1879

	W. M. Halstead	The argument of this
96	vs. Aff's in Error	cause was commenced
	Jas. A. Goodloe, Exor &c.	by Mr. Luke K. Finlay of counsel for the

plaintiff in error and continued by Mr. J. B. Heiskell for the defendant in error.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Thursday December 11th 1879, continued.

Pursuant to adjournment the Court met today at the Capitol.

Present:

The Honorable Morrison R. Waite	Chief Justice
Nathan Clifford	Associate Justices
Noah H. Swayne	
Samuel F. Miller	
Stephen J. Field	
William Strong	
Joseph P. Bradley	
John M. Harlan	

John G. Nicolay Esquire, Marshal
Daniel Hasley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. R. T. Ramey, it is ordered that Richard C. Harrison Esquire of Columbus and William F. McClintick Esquire of Chillicothe, State of Ohio, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. A. Garfield, it is ordered that J. L. Taylor Esquire of Cambridge, State of Ohio, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

96	S. M. Sales et al. vs. Plffs. in Error. James S. Goodloe, Executor &c.	Mr. L. H. Finlay asked and obtained leave to file a motion for an order to substitute Oscar Koolridge, assignee in bankruptcy of S. M. Sales and A. M. Wood, as party plaintiff in error in this cause.

96	S. M. Sales et al. vs. Plffs. in Error. Jas. S. Goodloe Excr &c.	The argument of this cause was continued by Mr. J. D. Heiskell of counsel for the defendant in error and concluded by Mr. Luke H. Finlay for the plaintiff in error.

Thursday December 11th 1879, Continued.

	Wm Cummings, Treasurer &c.	On motion of
363	vs. Appellant	Mr. Hagner
	The Merchants National Bank	Swayne, one
	of Toledo, Ohio —	hour additional
	and	time granted
	F. H. Pelton, Treasurer &c.	each side
827	vs. Appellant	in the argument
	The Commercial National	of these
	Bank of Cleveland, Ohio.	cases.

	Wm Cummings, Treasurer &c.	The argument
363	vs. Appellant	of this cause
	The Merchants National Bank	was commenced
	of Toledo, Ohio —	by Mr. J. K.
	and	Hamilton of
	F. H. Pelton, Treasurer &c.	counsel for
827	vs. Appellant	the appellant
	The Commercial National	in No 363,
	Bank of Cleveland, Ohio.	and continued

by Mr. Hagner Swayne of counsel for the appellee in the same cause. —

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Friday December 5th 1879

Pursuant to adjournment the Court met today at the Capitol.

Present

The Honorable Morrison R. Waite	Chief Justice
Nathan Clifford	Associate Justices
Noah H. Swayne	
Samuel F. Miller	
Stephen J. Field	
William Strong	
Joseph P. Bradley	
John M. Harlan	

John G. Nicolay Esquire, Marshal
Daniel Kelley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. J. B. Heiskell, it is ordered that George Gantt Esquire of Memphis, State of Tennessee, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. H. Reagan, it is ordered that J. H. Hollen Esquire of Franklin, State of Louisiana be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

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409 The Mercantile National Bank of Hartford, Conn. vs. Millard Carpenter et al. | This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. Asa Eglehart and Mr. L. L. Robinson of counsel for the appellant and by Mr. Charles Lemby and Mr. James H. Shackleford for the appellee, under rule 20.

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425 William L. Hood vs. Millard Carpenter | This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. Asa Eglehart and Mr. L. L. Robinson of counsel for the plaintiff in error, and by Mr. Charles Lemby and Mr. Jas. H. Shackleford for the defendant in error under the 20th rule.

Wm Cummings, Treasurer &c.
563 vs. Appellant
The Merchants Natl. Bank
and
S. H. Pelton, Treasurer &c.
827 vs. Appellant
The Commercial Natl. Bank

The argument of this cause was continued by Mr. Hagner & Swayne for appellee in No 563, by Mr. R. T. Ramey for appellee in No 827, and concluded by Mr. S. C. Griswold for the appellant in No 827.

Proclamation having made the Court is adjourned until Monday next at twelve o'clock.

Monday December 1st 1879

Pursuant to adjournment the Court met today at the Capitol.

Present=

The Honorable Morrison R. Waite — Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller — Associate
Stephen J. Field — Justices
William Strong
Joseph P. Bradley
John M. Harlan

John G. Nicolay Esquire, Marshal.
Daniel Hasbrouck Middleton, Clerk.

Proclamation being made the Court is opened.

On motion just made to the Court in this behalf by Mr. P. T. Merrick, it is ordered that James C. Beattie and Martin Bijur, Esquires, of Louisville, State of Kentucky, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr J. B. Heiskell, it is ordered that Julius A. Taylor Esquire of Memphis and Benton McMillin Esquire of Carthage, State of Tennessee, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr J. M. Wilson, it is ordered that John McPherson Esquire of Omaha, State of Nebraska, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

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741 William C. Cates vs. Plff. in Error. The First Natl. Bank of Montgomery. | In Error to the Circuit Court of the United States for the Middle District of Alabama.—

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Middle District of Alabama, and was argued by counsel.— On con-

sideration whereof, it is now here ordered and adjudged by this Court, that the judgment of the said Circuit Court in this cause be, and the same is hereby affirmed with costs and interest until paid, at the same rate per annum that similar judgments bear in the Courts of the State of Alabama.

per Mr. Justice Harlan.

Elliott M. Hay and Samuel Pasco Execrs. and Margaret M. Hay Executrix of Elsa Hay deceased, et al. Appellants.

vs.

Lepine & Rice, Assignee of Andrew M. Sloan.

Appeal from the Circuit Court of the United States for the Northern District of Florida.

311

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Northern District of Florida and was argued by counsel: On consideration whereof, it is now here ordered, adjudged and decreed by this Court, that the decree of the said Circuit Court in this cause be, and the same is here-

be affirmed with costs—

per Mr. Justice Bradley.

Dissenting:
Mr. Justice Strong.

The County of Cass		In Error to the
61 vs.	Plff. in Error.	Circuit Court of
Solomon L. Gillett		the United States
		for the Western
District of Missouri—		

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Western District of Missouri and was argued by counsel: On consideration whereof, it is now here ordered and adjudged by this Court, that the judgment of the said Circuit Court in this cause be, and the same is hereby affirmed with costs and interest until paid, at the same rate per annum that similar judgments bear in the Courts of the State of Missouri—

per Mr. Justice Bradley—

Dissenting:
Mr. Justice Harlan.

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71 The City of Brownsville vs. Plff. in Error. Pedro G. Cavazos, Exec. of Maria Josefa Cavazos, deceased; et al.

In Error to the Circuit Court of the United States for the Eastern District of Texas.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Texas and was argued by counsel. On consideration whereof, it is now here ordered and adjudged by this Court, that the judgment of the said Circuit Court in this cause be, and the same is hereby affirmed with costs.—

per Mr. Justice Field.

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71 Nicholas Marquez vs. Plff. in Error. John D. Krisbi, Frs. Austin, & The California Pacific Railroad Company.

In Error to the Supreme Court of the State of California.

This cause came on to be heard on the tran-

script of the record from the Supreme Court of the State of California and was argued by counsel. On consideration whereof, it is now here ordered and adjudged by this Court, that the judgment of the said Supreme Court in this cause be, and the same is hereby affirmed with costs.

per Mr. Justice Miller.

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3. Samuel F. Craig vs. Jacob Smith and George D. Hale. | Appeal from the Circuit Court of the United States for the District of Kansas.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Kansas and was argued by counsel. On consideration whereof, it is now here ordered, adjudged and decreed by this Court, that the decree of the said Circuit Court in this cause be, and the same is hereby affirmed with costs.

per Mr. Chief Justice Waite

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86 Emanuel Bast vs. Plff. in Error. The First National Bank of Ashland. | In Error to the Circuit Court of the United States for the Eastern District of Pennsylvania

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Pennsylvania and was argued by counsel. On consideration whereof, it is now here ordered and adjudged by this Court, that the judgment of the said Circuit Court in this cause be, and the same is hereby affirmed with costs and interest, until paid, at the same rate per annum that similar judgments bear in the Courts of the State of Pennsylvania.

Per Mr. Chief Justice White.

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811 Caroline C. Brough vs. Plff. in Error. The City of Topeka in the County of Shawnee, State of Kansas. | In Error to the Circuit Court of the United States for the District of Kansas.

Monday December 8th 1879. Continued.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Kansas and was argued by counsel: On consideration whereof, it is now here ordered and adjudged by this Court, that the judgment of the said Circuit Court in this cause be, and the same is hereby affirmed with costs.—

per Mr. Chief Jus. Waite.

Dissenting:
Mr. Justice Clifford.
" " Swayne.

1877 The Chicago and Pacific Railroad Company et al. vs. John J. Blair et al.— Appellants.

On consideration of the motion to dismiss this cause, it is ordered that, unless the appellants cause a citation, returnable on the first Monday of February next, to be issued and served upon the appellees before that date, the appeal be dismissed.—

per Mr. Chief Justice Waite.

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938 Miller & Sturm et al. vs John J. Blair et al. | Appellants.

On consideration of the motion to dismiss this cause, it is ordered that unless the appellants cause a citation returnable on the first Monday of February next to be issued and served upon the appellees prior to that date, the appeal be dismissed.

per Mr. Chief Justice Waite.

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875 The United States vs Charles Bowen | Appellant

On motion of Mr. Attorney General Devens, it is ordered that this cause be reassigned for argument on Monday, December 15th and placed at foot of call for that day.

1080 The U. S. ex rel. Thomas McBride vs Carl Schurz, Secretary of the Interior. | Aff. in Error.

Mr. J. R. Hawley filed and submitted to the consideration of the Court motion to advance this cause.

134	John T. Goddard, admr &c. vs. Albert Cadway.	Appellant.

Mr. Thos. Worthington suggested the death of John T. Goddard, the appellant in this cause.

738	The United States vs. Campbell K. Peck and Campbell K. Peck vs. The United States.	Appellant.
739		Appellant.

Mr. Hagerman called up his motion to substitute the assignee in bankruptcy of Campbell K. Peck in this cause; and on the motion of Mr. Charles King, said motion is hereby postponed for three weeks.

621	C. J. Gibboney, Ex. &c. vs. Albert K. Dorr.	Appellant.

The motion to dismiss this cause was submitted to the consideration of the Court on printed arguments by Mr. J. K. MacFarland and Mr. J. H. Gilmore in support of the same.

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999 J. H. Denver & C. F. Peck vs. Robert K. Elliott, Admr. &c. of James Hughes deceased. | On motion of the counsel for the appellants and on their suggestion that there is error in the decree set out in the transcript in this cause, and the counsel for the appellants being now here present in this Court and not objecting thereto, it is by the Court, this 8th day of December 1879. ordered that the transcript in this cause be returned to the Supreme Court of the District of Columbia, so that if there be error therein, the same may be corrected: and that the said transcript with the correction of errors, if any there be, be again certified to this Court without delay.

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213 John T. Moore & Co. vs. Amanda M. Simonds Administratrix &c. | The motion to dismiss this cause was submitted to the consideration of the Court on printed arguments by Mr. Richard De Gray in support of the same and by Mr. C. B. Singleton in opposition thereto

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Stephen E. Jones, Assignee &c.
695 vs. Appellant.
Charles H. Clifton et al. —

This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. B. H. Bristow and Mr. Jas. A. Beattie of counsel for the appellant, and by Mr. Martin Dyer of counsel for the appellees under the 21st rule.

The Florida Central Railroad Company
1022 vs. Appellant.
J. Fred. Schultz et al. —

The argument of the motion to vacate the supersedeas bond and to dismiss the appeal in this cause, was commenced by Mr. Wayne McVeagh in support of said motion, continued by Mr. H. A. Wise and Mr. Phillips in opposition thereto, and concluded by Mr. W. H. Carpenter in support of said motions.

The Eastern North Carolina R.R. Co.
532 vs. Appellant.
Geo. H. Cox, Gov. &c. et al. —

The argument of the motion of the Eastern Division of the Eastern N.C. R.R. Co., to vacate the order of dismissal

entered in this cause on the 22nd of September last and forthwith docket the cause, was commenced by Mr. S. F. Phillips in support of the same, continued by Mr. Wayne McVeagh and Mr. M. H. Carpenter in opposition thereto and by Mr. J. B. Stewart in support of the same.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Tuesday December 9th 1879

Pursuant to adjournment the Court met today at the Capitol—

Present

The Honorable Morrison R. Waite — Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan — Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Chesley Middleton, Clerk.

Proclamation being made the Court is opened.

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189 Laura A. Jones, widow &c. vs. K. L. Blackwell. — Pff. in Error.

Wm. A. Case filed suggestion of diminution of record and motion for writ of certiorari in this cause.

1092 Edwin Henry vs. C. C. Sawyers — Pff. in Error.

Wm. F. Trillenden having filed in open Court the following certificate, to wit:

Thursday December 9th 1875. Continued.

State of Tennessee
Supreme Court at Knoxville

E. & Sawyers vs. Edwin Henry } In this case a decree was rendered at the September Term 1875, on the 1st day of Oct. 1875 remanding the cause to the Chancery Court at Knoxville for an account as ordered by the Chancellor, and adjudging the costs of the appeal against the defendant and his securities—

From this decree, the said defendant, Edwin Henry, sued out a writ of error to the Supreme Court of the United States, which was allowed on defendants executing bond for costs, which was accordingly done and the transcript of the records has been accordingly made out and delivered to said defendant for transmission to the said Supreme Court of the U. States.

State of Tennessee } I, J. F. Ledwick, Clerk
Knox County } of Supreme Court of said State at Knoxville, do hereby certify that the foregoing is a correct statement and abstract from the records of the cause therein named, showing its decision and appeal to U. S. Supreme Court.

Given under my hand and

the seal of said Court
at office in Knoxville,
this 7th April 1879
J. F. Leaderick
Clerk."

(Seal)

and having stated that the plaintiff in error has failed to file the record of said cause in this Court, or in any way to prosecute said writ of error - Moved the Court, in pursuance of the 9th rule, to have the writ of error in this cause docketed and dismissed - On consideration whereof, it is now here ordered and adjudged by this Court, that the writ of error in this cause to the Supreme Court of the State of Tennessee be, and the same is hereby docketed and dismissed with costs - And that this cause be, and the same is hereby remanded to the said Supreme Court, to be proceeded in according to law and justice -

per Mr. Chief Justice Waite.

Tuesday December 9th 1879 Continued.

200 The Steamship "City of Houston" Charles H. Mallory et al: claimants vs. The Stockton Intent Tow Boat Company. — Appellants. | Appeal from the Circuit Court of the United States for the District of Louisiana.

This cause came on to be heard from the transcript of the record from the Circuit Court of the United States for the District of Louisiana and on the authority of counsel for the appellants on file and motion of Mr. Gilmore Seale it is now here ordered, adjudged and decreed by this Court that this appeal be, and the same is hereby dismissed with costs.

per Mr. Chief Justice Waite.

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832 The Eastern North Carolina R. R. Co. Appellant vs. The U. S. Court Govt. et al | Reargument of the motion to recall the order of dismissal entered in this cause on the 22nd

day of September 1879, and to redocket the cause, was concluded by Mr. J. B. Stewart in support of said motion.

The Eastern North Carolina R.R. Co.
132 vs. Appellant.
Stat. Treas. Govt. &c. et al.

On motion of Mr. J. B. Stewart leave is hereby granted him to file additional brief in this cause by Friday the 12th instant.

The Florida Central Railroad Company
1022 vs. Appellant.
J. Fred. Schultz et al.

On motion of Mr. C. D. Willard, leave is hereby granted him to file additional affidavit in this cause.

The United States
81 vs. Appellant.
Henry Clamorgan et al.
and
Henry Clamorgan et al.
82 vs. Appellants.
The United States.
and
Cyprian Clamorgan
95 vs. Appellant.
The United States.

On motion of Mr. J. L. Bradford, it is ordered that three hours be allowed each side in the argument of these cases.

81 The United States vs. Appellants
Henry Clamorgan et al.

8

Henry Clamorgan et al.
82 vs. Appellants.
The United States.

and

Cyprian Clamorgan
93 vs Appellants.
The United States.

The argument of these cases was commenced by Mr. J. L. Bradford of counsel for Henry Clamorgan et al., continued by Mr. H. R. Walker for Cyprian Clamorgan in 1693, and by Mr. Solicitor General Phillips for the United States.

Proclamation having made, the Court is adjourned until tomorrow at twelve o'clock.

Wednesday December 10th 1879

Pursuant to adjournment the Court met today at the Capitol.

Present

The Honorable Morrison R. Waite — Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan
— Associate Justices

John F. Nicolay Esquire, Marshal
Daniel Kelley Middleton, Clerk.

Proclamation being made the Court is opened.

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81 The United States vs. Henry Clamorgan et al. — Appellant.

82 Henry Clamorgan et al. vs. The United States — Appellants.

and

The argument of these cases was continued by Mr. Solicitor General Phillips of counsel for the United States and concluded by Mr. F. Crum-

93	Cyprian Lamargan vs. The United States	Appellant.	Argument of counsel for Henry Lamargan et al.

94	Thomas H. Powers et al. vs. Seth J. Comly, Collr. &c.	Plffs. in Error.	

95	Thomas H. Powers et al. vs. Seth J. Comly, Collr. &c. and Thomas H. Powers et al. vs. Seth J. Comly, Collr. &c.	Plffs. in Error.	The argument of these cases was commenced by Mr. Henry Flanders of counsel for the plaintiffs in error, continued by Mr Solicitor General Phillips for the defendants in error, and concluded by Mr. Flanders for the plaintiffs in error.
99		Plffs. in Error.	

100	The County of Daviess vs. William Osborn	Plff. in Error.	This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. James Grant

of counsel for the defendant in error.

	Joseph T. Rhett et al.	This cause was argued by Mr. Charles F. Perkins of counsel for the plaintiff in error, and by Mr. C. T. Hyde for the defendants in error.
101	vs. Appts in Error.	
	L. B. Smith & Co.	

	George Follansbee	The argument of these cases was commenced by Mr. A. S. Worthington of counsel for the appellee in No 102 and appellant in No 1041.
102	vs. Appellant.	
	The Ballard Paving Co.	
	The Ballard Paving Co.	
1041	vs. Appellant.	
	John C. Mumford et al.	
	N. A. Cowdrey	
1075	vs. Appellant.	
	J. H. Vandenburgh et al.	
	and	
	N. A. Cowdrey	
1076	vs. Appellant.	
	J. H. Vandenburgh et al.	

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock

Thursday December 11th 1879

Pursuant to adjournment the Court met today at the Capitol

Present—

The Honorable Morrison R. Waite — Chief Justice
Nathan Clifford — Associate Justices
Noah H. Swayne — Associate Justices
Samuel F. Miller — Associate Justices
Stephen J. Field — Associate Justices
William Strong — Associate Justices
Joseph P. Bradley — Associate Justices
John M. Harlan — Associate Justices

John C. Nicolay Esquire Marshal
Daniel Reed Middleton Clerk

Proclamation being made the Court is opened.

On motion first made to the Court on this the 1st day the Hon. George S. Wright it is ordered that H. H. Jessup Esquire of Montrose, State of Pennsylvania, be admitted to practice as an attorney and counsellor of this Court, and he was sworn accordingly.

Amendment to Rule 15-

Ordered, that the 15th Rule of this Court be amended by striking out the words "in which the Laws of the United States shall be printed by authority" in the first section, and inserting the words "of general circulation".

Stephen C. Jones, Assignee &c. Appellant
695 vs.
Charles H. Clipton et al.

On motion of Mr. James C. Beattie, it is ordered that leave be granted him to file the opinion of the Circuit Court in this cause.

The Sacto. & Potomac Railroad Company-
1136 vs. Plff in Error.
John K. Brooke-

On motion of Mr. J. H. Payne, leave is duly granted the Clerk to issue the mandate in this cause.

Thomas J. Woolfolk et al. Appellants.
173 vs.
Robert A. Bisbet, Trus. &c.

Mr. Thos. H. Herbert moved the Court for leave to the Clerk to issue the

mandate in this cause: Whereupon this Court not being now here sufficiently advised of and concerning what order to render in the premises, took time to consider.

	Elliott M. Hagestad Exors &c Appellants.	On motion of Mr. A. Pillsbury, leave
321	vs.	is hereby granted
	L. C. Rice, Assignee &c.	the Clerk to issue
		the mandate in
	this cause.	

	George Tallandier	The argument of
102	vs. Appellant.	these cases was con-
	The Ballard Paving Co.	tinued by Mr Pierh-
	The Ballard Paving Co.	ington of counsel for
1111	vs. Appellant.	the appellee in No 102,
	John C. Mulford et al.	and for the appellant
	N. A. Towsley	in No 1111, by Mr. W. A.
1075	vs. Appellant.	Cook for the appel-
	J. H. Vandenburgh et al.	lant in No 102 and
	and	appellee in No 1111
	N. A. Towsley	The Court declined
1076	vs. Appellant.	to hear further argu-
	J. H. Vandenburgh et al.	ment in these cases.

Thursday December 11th 1879 continued.

	A. & J. Cowdry	Ordered that the order advancing these
1075	vs. Appellants	cases be rescinded and
	J. T. H. Vandenburgh et al.	that the cases be re-
	and	stored to their places
	A. & J. Cowdry	upon their docket.
1076	vs. Appellants	
	J. T. H. Vandenburgh et al.	

	William C. Collier	This cause was argued
103	vs. Plff. in Error.	by Mr. Jas. Lowndes
	Shilford Hathaway.	of counsel for the plain-
		tiff in error and by

Mr. Saml. Shellabarger of counsel for the defendant in error.

	William T. Kelsey et al.	The argument of
101	vs. Appellants.	this cause was com-
	Richard B. Chapman	menced by Mr. Tale-
		sha Parsons of coun-

sel for the appellants.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Friday December 12th 1879 continued

Pursuant to adjournment the Court met today at the Capitol.

Present

The Honorable Morrison R. Waite	Chief Justice
Nathan Clifford	Associate Justices
Noah H. Swayne	
Samuel F. Miller	
Stephen J. Field	
William Strong	
Joseph P. Bradley	
John M. Harlan	

John G. Nicolay Esquire, Marshal
Daniel Ruggles Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Thomas F. Bayard, it is ordered that James C. Mackay Esquire of Fayetteville, State of North Carolina, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. W. Hallonghly, it is ordered that

D L Downer Esquire of Wheeling State of West Virginia, he admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. P. Phillips, it is ordered that William McCabe Esquire of Tallahassee, State of Florida, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

259

Lewis H. Meyer and Wm. Dennison, Trustees. vs. Appellants.
Benjamin Burch, James H. Lakin and William Burch as Burch, Lakin and Company.

Appeal from the Circuit Court of the United States for the District of Iowa.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Iowa, and on the stipulation of counsel on file and motion of Mr. J. K. Cary of counsel for the appellees, it is now here ordered, adjudged and decreed by this Court, that

this appeal be, and the same is hereby dismissed, each party paying their own costs.—

per Mr. Chief Justice Waite

Lewis H. Meyer and Wm Lennison, Trustees.
261 vs. Appellants.
Benjamin Burch and Sarah E. Burch, Administratrix of H. M. Burch deceased.—

Appeal from the Circuit Court of the United States for the District of Iowa.—

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Iowa, and on the stipulation of counsel on file and motion of Mr. J. N. Cary of counsel for the appellees, it is now here ordered, adjudged and decreed by this Court, that this appeal be, and the same is hereby dismissed.— Each party paying their own costs.—

per Mr. Chief Justice Waite

Friday December 12th 1879, Continued.

	William Lemmison and Lewis H. Meyer, Trustees—	In Error to the Supreme Court of the State of Iowa.—
356	vs. Pffs in Error.	
	Benjamin Burch, James H. Lakin and William Burch as Burch, Lakin & Co.	

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Iowa, and on the stipulation of counsel on file and motion of Mr. J. H. Cary of counsel for the defendants in error, it is now here ordered, adjudged and decreed by this Court, that the writ of error in this cause be, and the same is hereby dismissed— Each party paying their own costs.—

per Mr. Chief Justice Waite.

	William Lemmison and Lewis H. Meyer, Trustees	In Error to the Supreme Court of the State of Iowa.—
362	vs. Pffs in Error.	
	Benjamin Burch, Sarah E. Burch, Administratrix of H. H. Burch-deceased et al.	

Friday December 12th 1879. Continued.

This cause came on to be heard on the Transcript of the record from the Supreme Court of the State of Iowa, and on the stipulation of counsel on file and motion of Mr. J. H. Cary of counsel for the defendants in error, it is now here ordered, ad judged and decreed by this Court, that the writ of error in this cause be, and the same is hereby dismissed - Each party paying their own costs -

per Mr. Chief Justice Waite

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101 William L. Foley et al: Appellants vs. Richard B. Chapman -

The argument of this cause was continued by Mr. Alexander Parsons of counsel for the appellants, by Mr. George H. Knight for the appellee and concluded by Mr. Parsons for the appellants.

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105 The United States Plaintiffs vs. Samuel Nichols.

On motion of Mr. Attorney General Devens, it is ordered that this cause be passed for the present.

Friday, December 12th 1879. Continued.

	Minor Meriwether Receiver &c. et al.	On motion of counsel, one hour additional time allowed each side in the argument of this cause.
916	vs. Appellants.	
	Robt. Garrett & Sons et al.	

	Minor Meriwether Receiver &c. et al.	The argument of this cause was commenced by Mr. George Gantt of counsel for the appellants and continued by Mr. F. M. Randolph for the appellees.
916	vs. Appellants.	
	Robt. Garrett & Sons et al.	

Proclamation being made the Court is adjourned until Monday next at twelve o'clock.

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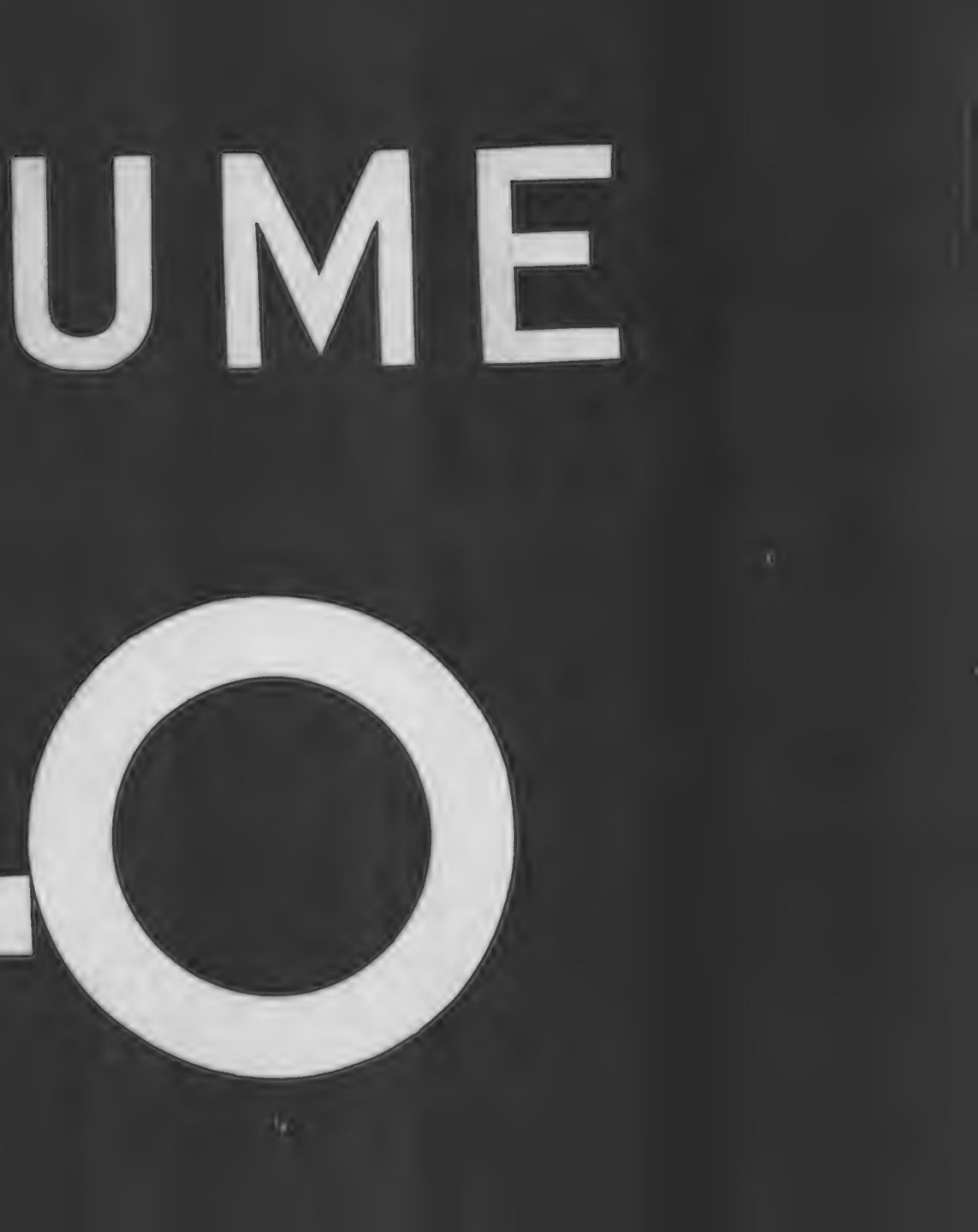
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Monday December 15th 1879

Pursuant to adjournment the Court met to-day at the Capitol.

Present:

The Honorable Morrison R. Waite	Chief Justice
Nathan Clifford	Associate Justices
Noah H. Swayne	
Samuel F. Miller	
Stephen J. Field	
William Strong	
Joseph P. Bradley	
John M. Harlan	

John F. Nicolay Esquire Marshal
Daniel Taxey Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Attorney General Devens, it is ordered that E. K. Valentine Esquire of West Point, State of Nebraska, Stillman B. Allen and Thomas Savage, Esquires of Boston, State of Massachusetts, and Edwin F. Smythe Esquire of Omaha, State of Nebraska, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. S. S. Henkle, it is ordered that J. H. Smith Esquire of Washington City, District of Columbia, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Hon. F. M. Cockrell, it is ordered that Henry C. Young Esquire of Springfield, State of Missouri, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. R. T. Merrick, it is ordered that Frederick J. Brown Esquire of Baltimore, State of Maryland, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

Francis E. Hinckley
late Receiver &c.
vs. Appellant
The Gilman Clinton
and Springfield R.R. Co.

Appeal from the
Circuit Court of
the United States
for the Southern
District of Illinois

This cause came on to be heard on the tran-
script of the record from the Circuit Court
of the United States for the Southern Dis-
trict of Illinois and was argued by counsel-
On consideration whereof, it is now here ordered,
adjudged and decreed by this Court, that the
decree of the said Circuit Court in this cause
be, and the same is hereby affirmed with costs
and interest, until paid, at the same rate per
annum that similar decrees bear in the
Courts of the State of Illinois-

per Mr. Justice Miller.

The Inhabitants of the Township of Pompton in the County of Passaic
vs. Appts. in Error.
The Cooper Union for the advancement of Science and Art.

In Error to the Circuit Court of the United States for the District of New Jersey.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of New Jersey and was argued by counsel. On consideration whereof, it is now here ordered and adjudged by this Court, that the judgment of the said Circuit Court in this cause be, and the same is hereby affirmed with costs and interest, until paid, at the same rate per annum that similar judgments bear in the Courts of the State of New Jersey.

per Mr. Justice Swayne.

Dissenting:
Mr. Justice Bradley
" " Field

Monday December 15th 1879 Continued.

	Fletcher T. Lansdale	In Error to the Su-
58	vs. Plff. in Error.	preme Court of the
	Hibbard S. Daniels.	State of California.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of California and was argued by counsel. On consideration whereof, it is now here ordered, adjudged and decreed by this Court, that the decree of the said Supreme Court in this cause be, and the same is hereby affirmed with costs.

per Mr. justice Clifford.

	The Delaware Railroad	Appeal from the
	Construction Company &	Circuit Court of the
	The Delaware County	United States for
	Railroad Company.	the District of Iowa.
29	vs. Appellants.	
	Lewis H. Meyer and	
	William Denison, Trus^ts	

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Iowa and was argued by counsel. On consideration

whereof, it is now here ordered, adjudged and decreed by this Court, that the decree of the said Circuit Court in this cause be, and the same is hereby reversed with costs. And that this cause be, and the same is hereby remanded to the said Circuit Court with directions to enter a decree establishing the lien of the Construction Company as superior to that of the mortgage and declaring the title of the Delaware County Railroad Company by reason of the Sheriff's sale in the State Court, to be invalid and not sufficient to pass title as against the lien of the mortgage, and for such other proceedings as justice requires.

per Mr. Chief Justice Waite.

Justices Swayne, Strong and Bradley concur in the decree, but not in the opinion.

The Delaware Railroad Construction Company— Appellant.
30 vs. Appeal from the Circuit Court of the United States for the District of Iowa.
Lewis H. Meyer and Wm Dennison, Trustees.—

This cause came on to be heard on the transcript of the record from the Circuit Court of—

the United States for the District of Iowa and was argued by counsel. On consideration whereof, it is now here ordered, adjudged and decreed by this Court, that the decree of the said Circuit Court in this cause be, and the same is hereby reversed with costs: And that this cause be, and the same is hereby remanded to the said Circuit Court with directions to ascertain the amount due the Construction Company under its contract, and to enter a decree establishing the lien of that company as prior in right to that of the mortgage; and in default of the payment of the amount due, by a day to be named, directing the sale of that part of the railroad company, which lies in Delaware County, to pay the debt. Such provision for redemption is to be made as is allowed in such cases by the laws of Iowa.

Per Mr. Chief Justice Waite.

Justices Swayne, Strong and Bradley concur in the decree, but not in the opinion.

Lewis H. Meyer and
Wm Dennison Trustees
260 vs. Plffs. in Error.
The Delaware Railroad
Construction Company

In Error to the Supreme Court of the State of Iowa.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Iowa and was argued by counsel. On consideration whereof, it is now here ordered, adjudged and decreed by this Court, that the decree of the said Supreme Court in this cause be, and the same is hereby reversed with costs: And that this cause be, and the same is hereby remanded to the said Supreme Court with instructions to enter a decree reversing the decree of the Circuit Court of Delaware County, and direct that Court to proceed no further with the suit.

per Mr. Chief Justice Waite.

Justices Swayne, Strong and Bradley concur in the decree, but not in the opinion.

The Western North Carolina R.R. Co. vs. Appellant.
532 Sec. of Treas. &c. Appellee.

Ordered that the entry made by the Clerk in vacation under Rule 28, dismissing this case be vacated and the cause entered on the docket as of No 1124 of the present term, of the Western Division of the Western North Carolina Railroad Company shall, on or before the first Monday of February next, file with the Clerk of the Court, a bond to the Western North Carolina Railroad Company in the penal sum of one hundred thousand dollars, with good and sufficient obligors to be approved by the Justice assigned to the fifth circuit and conditioned to indemnify and save the Western North Carolina Railroad Company and its sureties on the appeal bond, harmless from all costs, liabilities and expenses consequent upon the further prosecution of the appeal taken by the Western North Carolina Company: Ordered further that on the reinstatement of the cause, the Western Division of the Western North Carolina Railroad Company, be authorized to prosecute and contest the

same in the name of the Western North Carolina Railroad Company in the same manner and with the same effect it could, if the original suit, commenced in the Court below by such Western Division of the Western North Carolina Railroad Company, had not been revived in favor of the Western North Carolina Railroad Company.

per Mr Chief Justice Waite.

Margaret Kelzel	In Error to the Supreme
53 vs. Plff in Error	Court of the District of
The Baltimore and	Columbia.
Ohio Railroad Co.	

This cause came on to be heard on the transcript of the record from the Supreme Court of the District of Columbia and was argued by counsel. On consideration whereof, the Court being equally divided in opinion, it is now here ordered and adjudged by this Court, that the judgment of the said Supreme Court in this cause be, and the same is hereby affirmed with costs.

Monday December 16th 1878, continued.

Thomas H. Powers and William Knightman, Copartners trading as Powers & Knightman vs. Alpheus in Error. Seth J. Comly, Collector of the Customs for the District of Philadelphia.

In Error to the Circuit Court of the United States for the Eastern District of Pennsylvania.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Pennsylvania and was argued by counsel. On consideration whereof, it is now here ordered and adjudged by this Court, that the judgment of the said Circuit Court in this cause be, and the same is hereby affirmed with costs.

per Mr Chief Justice Waite.

Thomas H. Powers and William Knightman, Copartners trading as Powers & Knightman vs. Appt. in Error.
Seth J. Comly, Collector of the Customs for the District of Philadelphia

In Error to the Circuit Court of the United States for the Eastern District of Pennsylvania.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Pennsylvania and was argued by counsel. On consideration whereof, it is now here ordered and adjudged by this Court, that the judgment of the said Circuit Court in this cause be, and the same is hereby affirmed with costs.

per Mr. Chief Justice Waite

99	Thomas H. Powers and William Weightman Copartners trading as Powers & Weightman Pltfs in Error vs. Seth J. Comly Collector of the Customs for the District of Philadelphia.	In Error to the Circuit Court of the United States for the Eastern District of Pennsylvania.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Pennsylvania and was argued by counsel. On consideration whereof, it is now here ordered and adjudged by this Court, that the judgment of the said Circuit Court in this cause be, and the same is hereby affirmed with costs.

Per Mr. Chief Justice Waite.

100	The County of Daviess Pltf in Error vs. William Osborne.	In Error to the Circuit Court of the United States for the Western

Monday December 15th 1879 Continued.

District of Missouri.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Missouri and was argued by counsel. On consideration whereof, it is now here ordered and adjudged by this Court, that the judgment of the said Circuit Court in this cause be, and the same is hereby affirmed with costs and interest, until paid; at the same rate per annum that similar judgments bear in the Courts of the State of Missouri.

per Mr. Chief Justice Waite.

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102 George Follansbee vs. The Ballard Paving Company, composed of F. H. Ballard, F. E. Brown & E. L. Marsh.

Appeal from the Supreme Court of the District of Columbia.

This cause came on to be heard on the transcript of the record from the Supreme Court of the District of Columbia and was argued

by counsel. On consideration whereof, it is now here ordered, adjudged and decreed by this Court, that this appeal be, and the same is hereby dismissed with costs.

per Mr. Chief Justice Waite.

The Ballard Paving Company et al.		Appeal from the Supreme Court of the District of Columbia.
141	vs. Appellants.	
John C. Mulford et al.		

This cause came on to be heard on the transcript of the record from the Supreme Court of the District of Columbia and was argued by counsel. On consideration whereof, it is now here ordered, adjudged and decreed by this Court, that this appeal be, and the same is hereby dismissed. Each party to pay their own costs in this Court.

per Mr. Chief Justice Waite.

Elizabeth J. Gibboney, Executrix of Robert Gibboney.		Appeal from the Circuit Court of the United States
621	vs. Appellant.	
Albert H. Dorr.		

for the Western District of Virginia.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Western District of Virginia and on the motion to dismiss which was argued by counsel. On consideration whereof, it is now here ordered, adjudged and decreed by this Court, that this appeal be, and the same is hereby dismissed for the want of jurisdiction.

per Mr Chief Justice Waite.

	Ex parte: In the matter of M. Rosenbaum.	On consideration of the petition for a writ of Mandamus in this
12	orig. Petitioner	

cause, it is now here ordered by the Court, that said petition be, and the same is hereby denied.

per Mr Chief Justice Waite.

	Thomas J. Woolfolk et al.	On consideration
73	vs. Appellants	of the motion of
	Robert T. Nisbet, Trustee &c.	Mr. H. H. Herbert,

leave is hereby

granted the Clerk to issue the mandate in this cause.

	The U. S. ex rel: Thomas McBride	On consideration of the motion to advance this cause, it is ordered that
1080	vs. Plffs in Error.	
	Carl Schurz, Secretary of the Interior.—	

said motion be, and the same is hereby denied.—

per Mr. Chief Justice Waite.

	John F. Moore and Company, a commercial firm composed of John F. Moore and John F. Moore Jr., Intervenors.—	Appeal from the Circuit Court of the United States for the District of Louisiana.—
213	vs. Appellants.	
	Amanda M. F. Simonds, admx of John F. Simonds: Foster and Rockwood, a commercial firm composed of Ralph F. Foster and Thomas K. Rockwood et al	

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Louisi-

and and on the motion to dismiss or affirm, which was argued by counsel. On consideration whereof, it is now here ordered, adjudged and decreed by this Court, that the decree of the said Circuit Court in this cause be, and the same is hereby affirmed with costs.

per Mr. Chief Justice Waite.

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53 Lorenzo Delisi et al. vs. William F. Davidson, Appellants.

On motion of Mr. J. H. Davidson, leave is hereby granted the Clerk to issue the mandate in this cause.

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76 The United States vs. Jas. S. Curtis et al. Plff. in Error.

and

77 Jas. S. Curtis et al. vs. The United States. Plff. in Error.

On motion of Mr. Assistant Attorney General Smith, leave is hereby granted the Clerk to issue the mandate in this cause.

Monday December 15th 1879, Continued

62 The Kansas Pacific Railroad Company. vs. Louisa Twombly, Admx. Plff. in Error.

On motion of Mr. Assistant Attorney General Smith, leave is hereby granted the Clerk to issue the mandate in this cause.

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137 John F. Goddard, Admr of Robert G. Shedd, decd. vs. Albert Ordway. Appellant.

Mr. C. S. Worthington having heretofore suggested the death of John F. Goddard, the appellant in this cause. Now here moved the Court, that John G. Phillips, Admr. de bonis non of the estate of Robert G. Shedd, deceased, be entered as the appellant in this cause. On consideration whereof, it is ordered that John G. Phillips, Admr. de bonis non of Robert G. Shedd, be, and he is hereby entered and made the party appellant in this cause in place of John F. Goddard, deceased.

212	The Pacific Railroad of Missouri vs. George E. Ketchum et al.	Appellant.	Mr. R. T. Merrick filed and submitted to the consideration of the Court motion to advance this cause for argument with No 162.

189	Laura E. Jones, widow &c. vs. F. J. Blackwell	Plff. in Error.	On motion of Mr. C. Case, it is ordered that the motion for a writ of certiorari in this cause be waived and that leave be granted him to file addition to record: the Attorney General consenting thereto.

173	William McIntyre vs. John Giblin	Plff. in Error.	On motion of Mr. R. T. Merrick, leave is hereby granted the Clerk to issue the mandate in this cause.

916	Elinor Meriwether, Receiver &c vs. Robert Garrett Sons et al.	Appellants.	The argument of this cause was continued by Mr Wm M.

Monday December 15th 1879 Continued

Randolph of counsel for the appellees, by Mr. Milner Meriwether for the appellants, by Mr. Julius C. Taylor and Mr. D. G. Myers for the appellees and concluded by Mr. J. B. Heiskell for the appellants.

Proclamation being made, the Court is adjourned until tomorrow at twelve o'clock

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Thursday, December 16th 1879, Continued

Pursuant to adjournment the Court met today at the Capitol -

Present

The Honorable Morrison R. Waite, Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
William Strong
Joseph P. Bradley
John M. Harlan
Associate Justices

John F. Nicolay Esquire Marshal
Daniel Kesler Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Matt H. Carpenter, it is ordered that John V. Stone, Esquire, of Glenwood, State of Iowa, and Aaron A. Everest, Esquire, of Atchison, State of Kansas, be admitted to practice as attorneys and counsellors of this Court, and they were sworn accordingly.

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553 James Vance et al vs. Appellants
A. R. Burbank et al.

This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. H. Lair Hill of counsel for the appellants and by Mr. J. K. Ralph of counsel for the appellees, under the 20th rule.

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106 J. C. Babbitt, Assignee &c. vs. Plff. in Error.
John Shields et al.

This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. Nathaniel Myers of counsel for the plaintiff in error and by Mr. Given Campbell for the defendants in error.

1096 John C. Tinsley vs. Plff. in Error.
The Commonwealth of Virginia

Mr. J. M. Meredith, in behalf of Mr. F. L. Royall, filed and submitted to the consideration of the Court, motion to advance this cause.

	The American Bible Society -	This cause was submitted to the consideration of the Court on the record and printed arguments by Mr.
104	vs. Appellant	
	John L. Grove et al.	

George P. Strong of counsel for the appellant and by Mr. L. Sanford of counsel for the appellee.

	George Katt	This cause was argued by Mr. J. M. Meredith of counsel for the appellant and by Mr. Robert Ould
105	vs. Appellant	
	P. H. Starke	

of counsel for the appellee.

	The United States ex rel.	This cause was submitted to the consideration of the Court on the record and printed argument by Mr. Jno. P. Murray and Mr. Benton McMillin of counsel for the plaintiff. No counsel appearing for the defendant.
	et. v. Phillips	
109	vs. Plaintiffs	
	James L. Haines, Comptr. Genl.	

Tuesday December 16th 1879 Continued

	The Northwestern Union Packet Company	This cause was argued by Mr. J. H. Davidson of counsel for the plaintiff in error, and by Mr. Leverett
110	vs. Hff. in Error.	
	The City of St. Louis	

Bill of counsel for the defendant in error.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Wednesday December 17th 1879

Pursuant to adjournment the Court met today at the Capitol.

Present

The Honorable Morrison R. Waite	Chief Justice
Nathan Clifford	Associate Justices
Noah H. Swayne	
Samuel F. Miller	
Stephen J. Field	
William Strong	
Joseph P. Bradley	
John M. Harlan	

John G. Nicolay Esquire Marshal
Daniel Kesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. R. S. Davis, it is ordered that James McCabe Esquire of Williamsport, State of Indiana, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edmond Wetmore, it is ordered

that Livingston Scott Esquire of New York City be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Hon Matt. H. Carpenter, it is ordered that Hon W. B. Vest of Kansas City, State of Missouri, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

	The Chesapeake & Ohio Canal Company		On motion of Mr. H. D. Maridge leave is hereby granted the Clerk to issue the mandate in this cause.
67	vs.	Appellant	
	Ross Ray & Albert Ray		

	The American & Foreign Christian Union		This cause was submitted to the consideration of the Court on the record and printed
325	vs.	Appellant	
	Matilda Yount et al		

arguments by Mr. T. J. Henry of counsel for the

appellant and by Mr. E. S. Terry for the appellee under the 30th rule.

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115 The Nashville & Chattanooga Railroad Company vs. The United States. Appellant

On motion of Mr. Assistant Attorney General Smith, it is ordered that this cause be passed

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112 The Smoking Flame Co. vs. David Trainer et al Appellant

The argument of this cause was commenced by Mr. George H. Dalas of counsel for the appellant, continued by Mr. Samuel Dickson of counsel for the appellees & concluded by Mr. James E. Bowen for the appellant.

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111 John H. Bigelow vs. Plff in Error Emma E. Fisk.

This cause was submitted to the consideration of the Court on the record and printed argument by Mr. F. P. B. Sands and Mr. H. L. Bridge of counsel for the plaintiff in error, and

Wednesday December 17th 1879 continued

by Mr C. D. Barrett for the defendant in error.

The United States vs. Appellant Charles Bowen	This cause was argued by Mr. Attorney General Evans of counsel for the appellant and by Mr. W. A. Carpenter for the appellee.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Thursday December 18th 1879

Pursuant to adjournment the Court met to-day at the Capitol.

Present:

The Honorable Morrison R. Waite	Chief Justice
Nathan Clifford	Associate Justices
Noah H. Swayne	
Samuel F. Miller	
Stephen J. Field	
William Strong	
Joseph P. Bradley	
John M. Harlan	

John F. Nicolay Esquire Marshal
Daniel Reedy Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. T. Hereford, it is ordered that C. C. Sperry Esquire of Topeka, State of Kansas, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John H. Ross, it is ordered that

J. Branham Esquire of Rome, State of Georgia was admitted to practice as an attorney and counsellor of this Court and he was sworn according ly.

	The Armstrong Heater Manufacturing Co. et al	On motion of Mr. E. E. Wood leave is hereby granted him to correct order entering his appearance in this cause.
116	vs. Appellants	
	The Stillwell & Bierce Manufacturing Co.	

	The National Bank of Commerce	This cause was submitted to the consideration of the Court on the record and printed arguments
129	vs. Plff. in Error	
	E. M. Whitney et al.	

by Mr. Thos. Bacon of counsel for the plaintiff in error and by Mr. H. H. Day of counsel for the defendants in error, under the 24th rule.

	The Metropolitan Washing Machine Co.	The argument of this cause was commenced by Mr. B. F. Thurston of counsel for the appellant, con-
117	vs. Appellant.	
	Jas. & J. E. Young	

tinued by Mr. Edmond Kelmore and Mr. John H. Seymour of counsel for the appellees and concluded by Mr. Chas. Levi Woodbury for the appellant.

The Armstrong Heater Manufacturing Company James H. Armstrong & Stephen H. Starr
116 vs. Appellants
The Stillwell & Bierce Manufacturing Company.

Appeal from the Circuit Court of the United States for the Southern District of Ohio.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of Ohio, and the appellants having been three times solemnly called by the Marshal to come into Court and prosecute their appeal and failing to appear - It is thereupon in pursuance of the 16th rule of this Court and on the motion of Mr. E. G. Wood of counsel for the appellees, now here ordered, adjudged and decreed by this Court, that this cause be, and the same is hereby remanded to the said Circuit Court, to be proceeded in ac-

cording to law and justice—

per Mr. Chief Justice Waite

	Orlando B. Dickerson	The argument of this
118	vs. Pff. in Error.	cause was commenc-
	Calvin Colgrove et al.	ed by Mr. W. J. Smith
		of counsel for the de-
	fendants in error.	

Proclamation being made the Court is ad-
journed until tomorrow at twelve o'clock.

Friday December 19th 1879

Pursuant to adjournment the Court met today at the Capitol

Present:

The Honorable Morrison R. Waite	Chief Justice
Nathan Clifford	Associate Justices
Noah H. Swayne	
Samuel F. Miller	
Stephen J. Field	
William Strong	
Joseph P. Bradley	
John M. Harlan	

John G. Nicolay Esquire Marshal
Daniel Kesley Middleton, Clerk

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. K. Killoughby, it is ordered that H. H. Hare Esquire of Groton, State of New York, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

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117 The Metropolitan Washing Machine Company — Appellant
vs.
Jas. Young & J. E. Young

On motion of Mr. Jno F. Seymour of counsel for the appellees and counsel for the appellant being present and assenting, it is ordered that the transcript in this case, from and including folio 447 on page 214, to folio 451 on page 216, be corrected so as to conform to the original record, by making the lines conform to the lines on the original record and by numbering the said lines as they are numbered in the said original: And also ordered that the counsel for the appellees be allowed to amend the statement on page 16 of his brief by changing the second capital letter L, to the capital letter D, in the 4th line from the top of said page and by inserting the words "I claim" after the word described in the second claim on said page, and that copies of the annexed copy of the letters patent No 61,163 and drawings be furnished to this Court to be annexed to the said brief of appellees counsel.

999	J. H. Denver & C. F. Peck vs. Robt. K. Elliott, admr &c.	Appellants	The motion to dismiss or affirm the decree in this cause was submitted to

the consideration of the Court on printed arguments by Mr. D. S. Henkle in support of the same and by Mr. Albert Pike in opposition thereto.

768	The First National Bank of Quincy, Ills. vs. S. Frank Hall et al	Plff. in Error.	This cause was submitted to the consideration of the Court on the

record and printed arguments by Mr. Wm. McFadon of counsel for the plaintiff in error, and by Mr. J. C. Sleeper and Mr. H. K. Whiton for the defendant in error, under the 21st rule.

118	Orlando D. Dickerson vs. Calvin Colgrove et al.	Plff. in Error.	The argument of this cause was concluded by Mr. M. J. Smiley of

counsel for the defendants in error and submitted on printed arguments by Mr. George F. Lawton for the plaintiff in error.

Friday December 19th 1879, continued

119 The American Popular Life Insurance Company vs. Plff in Error
Mary C. Campbell

In Error to the Supreme Court of the District of Columbia.

This cause came on to be heard on the transcript of the record from the Supreme Court of the District of Columbia and the plaintiff in error having been three times solemnly called by the Marshal to come into Court and prosecute its writ of error and failing to appear; It is thereupon, in pursuance of the 16th Rule of this Court and on the motion of Mr. C.S. Northington of counsel for the defendant in error, now here ordered and adjudged by this Court, that this cause be, and the same is hereby dismissed with costs. And that this cause be, and the same is hereby remanded to the said Supreme Court, to be proceeded in according to law and justice.

per Mr. Chief Justice Waite.

	The New York & Staten Island Ferry Company	In Error to the Court of Appeals of the State of New York.
120	vs. Pltf in Error.	
	The People of the State of New York.	

This cause came on to be heard on the transcript of the record from the Court of Appeals of the State of New York and it appearing from the statement of counsel on file, that the matters in controversy have been agreed and settled between the parties, it is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby dismissed with costs.

Per Mr. Chief Justice Waite.

	C. K. Worthington, Admr &c.	This cause was submitted to the consideration of the Court
121	vs. Pltf in Error.	
	Martha F. Mason.	

on the record and printed argument by Mr. C. K. Garland of counsel for the plaintiff in error, and by Mr. C. S. Sutton and Mr. A. Pike and Mr L. H. Pike for the defendant in error.

126	C. & H. Hills et al Pffs in Error vs. Thomas Russell, late Collector.	(Substituted for 122) This cause was argued by Mr. C. L. Woodbury of counsel for the plaintiff in error, and by Mr. Assistant Attorney General Smith for the defendant in error.

85	Sextus N. Wilcox Pff in Error vs. The Muskegon Booming Company.	On motion of Mr. H. J. Smiley leave is hereby granted the Clerk to issue the mandate in this cause.

123	The Kentucky Improvement Company Pff in Error vs. Charles H. Slack, Collector &c.	This cause was argued by Mr. H. H. Pasley of counsel for the plaintiff in error, and by Mr. Solicitor General Phillips for the defendant in error.

Friday December 19th 1879, Continued.

	The Eastern Kentucky Railroad Company -	This cause was argued by Mr. F. K. Paisley of Counsel for the plaintiff in error and by Mr. Solicitor General
122	vs. Hff. in Error	
	Charles K. Slack, Coll. &c	

Phillips for the defendant in error.

Proclamation being made the Court is adjourned until Monday next at twelve o'clock.

Monday December 22nd 1879

Pursuant to adjournment the Court met today at the Capitol

Present

The Honorable Morrison R. Waite	Chief-Justice
Nathan Clifford	Associate Justices
Noah H. Swayne	
Samuel F. Miller	
Stephen J. Field	
William Strong	
Joseph P. Bradley	
John M. Harlan	

John F. Nicolay, Esquire, Marshal
Daniel Kesler Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. F. M. Cockrell, it is ordered that Alexander Graves, Esquire, of Lexington, State of Missouri, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. R. T. Merrick, it is ordered that

J. L. McLane, Esquire, of Baltimore, State of Maryland, and L. J. Brown, Esquire, of Des Moines, State of Iowa, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph Shipman, it is ordered that John K. Cuerall, Esquire of St. Louis, State of Missouri, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

Cornelia M. Stewart individually and as Executrix of A. T. Stewart, deceased, and Henry Hilton and William Libby, Executors of A. T. Stewart, deceased — Appellants.

vs

John K. Hall, Assignee in bankruptcy of Simon Leland & Co. and Herman Batjer and Henry Batjer, Anthony Cecks, James Galway and James Galway jr., A. B. Miller and V. Fleenger. — Appellees.

Appeal from the Circuit Court of the United States for the Southern District of New York.

81

Monday December 22nd 1879, Continued.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of New York and was argued by counsel. On consideration whereof, it is now here ordered, adjudged and decreed by this Court, that the decree of the said Circuit Court in this cause be, and the same is hereby reversed, with costs against John H. Platt, Assignee in bankruptcy, and that this cause be, and the same is hereby remanded to the said Circuit Court with directions to enter a decree in conformity with the opinion of this Court.

per Mr. Justice Harlan.

J. J. Kain, Bishop Incumbent &c.

vs.

E. J. Gibboney, Executrix of Robert Gibboney, decd, William Gibboney and Alexander S. Matthews.

Appeal from the Circuit Court of the United States for the Western District of Virginia.

89

This cause came on to be heard on the transcript of the record from the Circuit Court of

the United States for the Western District of Virginia and was argued by counsel. On consideration whereof, it is now here ordered, adjudged and decreed by this Court, that the decree of the said Circuit Court in this cause be, and the same is hereby affirmed, with costs.

per Mr. Justice Strong.

William J. Phillips and John Hancock
vs.
Albert G. Moore.

Appeals in Error.

In Error to the Circuit Court of the United States for the Eastern District of Texas.

511

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Texas and was argued by counsel. On consideration whereof, it is now here ordered and adjudged by this Court, that the judgment of the said Circuit Court in this cause be, and the same is hereby affirmed with costs.

per Mr. Justice Field.

Monday December 22nd 1879 Continued.

628	William L. Wood. vs. Killard Carpenter.	In Error to the Circuit Court of the United States for the District of Indiana

and was argued by counsel. On consideration whereof, it is now here ordered and adjudged by this Court, that the judgment of the said Circuit Court in this cause be, and the same is hereby affirmed with costs.

per Mr. Justice Swayne.

1109	The Mercantile National Bank of the City of Hartford vs. Killard Carpenter, John Love and De Witt C. Keller.	Appeal from the Circuit Court of the United States for the District of Indiana.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Indiana and was argued by counsel. On consideration whereof, it is now here ordered, adjudged and decreed by this Court, that the decree of the said Circuit Court in this cause be, and the

same is hereby affirmed with costs.—
per Mr. Justice Swayne.

Joseph S. West, ... Bradley and ... Cary, partners as West, Bradley & Cary.—
101 vs. Plffs. in Error.
L. B. Smith & Co.—

In Error to the Circuit Court of the United States for the District of Connecticut.—

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Connecticut and was argued by counsel—On consideration whereof, it is now here ordered and adjudged by this Court, that the judgment of the said Circuit Court in this cause be, and the same is hereby affirmed with costs and interest, until paid, at the same rate per annum that similar judgments bear in the Courts of the State of Connecticut.—
per Mr. Justice Clifford.

163	Wilson & Collier vs. Guilford Hathaway.	In Error to the Supreme Court of the Territory of Arizona.

This cause came on to be heard on the transcript of the record from the Supreme Court of the Territory of Arizona, and was argued by Counsel. On consideration whereof, it is now here ordered and adjudged by this Court, that the judgment of the said Supreme Court in this cause be, and the same is hereby affirmed with costs.

per Mr. Chief Justice Waite.

212	The Pacific R. R. Co. vs. George E. Ketchum et al.	Appellant	On consideration of the motion to advance this cause for argument with No 162, it is ordered that said motion be, and the same is hereby granted and that the cause be assigned for argument immediately after the argument of No 162.

James H. Denver and Charles F. Peck — vs. — Robert K. Elliott, administrator &c of James Hughes, deceased. — Appellants.

999

Appeal from the Supreme Court of the District of Columbia.

This cause came on to be heard on the transcript of the record from the Supreme Court of the District of Columbia, and on the motion to dismiss or affirm, which was argued by counsel. On consideration whereof, it is now here ordered, adjudged and decreed by this Court, that this appeal be, and the same is hereby dismissed with costs.

Per Mr. Chief Justice Waite.

The Florida Central Railroad Company — vs. — J. Fred. Schutte et al. — Appellant.

1022

On consideration of the motion to vacate the supersedeas, to dismiss the appeal and for leave to file a new bond in this cause: It is ordered by the Court, that the motion to vacate the supersedeas be, and the same is

hereby granted, and the motion for leave to file a new bond be, and the same is hereby denied. And it is further ordered that the appellees file with the Clerk of this Court and with the counsel for the appellants, on or before the first day of February next, a statement in writing of the papers, documents and proofs used on the hearing below and omitted in the transcript now on file, which they deem necessary for the proper presentation of the cause, and that, unless the appellants shall, on or before the 15th day of March, file in this Court as part of the record, copies of such papers duly certified by the Clerk of the Circuit Court or his deputy under the seal of the Court, this appeal be dismissed.—

per Mr. Chief-Justice Waite

Monday December 22nd 1879 Continued

	The United States	Mr. Assistant Attorney General Smith filed and submitted to the consideration of the Court, motion to advance these cases.
879	vs. Appellant.	
	Francis J. Lippitt	
	John Miles	
936	vs. Aff. in Error.	
	The United States	
	and	
	The United States	
974	vs. Appellant.	
	Samuel McKeever.	

	Wm. M. Springer	On motion of Mr. Assistant Attorney General Smith and consent, it is ordered that this cause be substituted for No 216 and vice versa.
129	vs. Aff. in Error	
	The United States.	

	The United States	Mr. Charles King filed and submitted to the consideration of the Court, motion that order of substitution of assignee in bankruptcy in these cases be made so as to reserve all rights
738	vs. Appellant.	
	Campbell K. Peck	
	and	
	Campbell K. Peck	
739	vs. Appellant.	
	The United States.	

of attorneys existing at date of said order of substitution.

	Augustus D. Juillard	Mr. G. F. Edmunds
779	vs. Plff. in Error.	filed and submitted
	Thomas S. Freeman.	to the consideration
		of the Court, motion

to advance this cause.

	The County Court of	Mr. J. H. Overall
	Ralls County	filed and submitt-
865	vs. Plff. in Error.	ed to the considera-
	The U. S. ex rel. James	tion of the Court,
	M. Douglass.	motion to vacate
		the supersedeas

in this cause.

	The County Court of	Mr. J. H. Overall
	Ralls County	filed stipulation
866	vs. Plff. in Error.	that the motion
	The U. S. ex rel Chas.	filed in No 865 also
	L. Jeorge.	apply to this case
		and that the same

order be entered herein as in No 865.

Monday December 22nd 1879, continued

55	Edward Clark, Trustee &c. vs. The Commissioners of the Freedmans Savings & Trust Company et al.	Appellant.	On motion of Mr. Enoch Totten, leave is hereby granted the Clerk to issue the mandate in this cause.

72	John Lammers vs. P. C. Nissen et al.	Pff. in Error.	On motion of Mr. B. F. Grafton, leave is hereby granted the Clerk to issue the mandate in this cause.

115	Augustus Jonan vs. Hillard Lovell.	Appellant.	This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. J. L. McPherson of counsel for the appellant and by Mr. J. H. Kimball of counsel for the appellee.

Monday December 22nd 1879 continued

130 The Home Insurance Company
vs. Pff. in Error.
The American Steam-boat Company

This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. B. K. Bristow and Mr. E. Patterson of counsel for the plaintiff in error and by Mr. B. F. Thurston of counsel for the defendant in error.

1002 Edwin C. Litchfield
vs. Appellant.
The County of Webster et al.
and
1003 The County of Webster et al
vs. Appellants.
Edwin C. Litchfield.

This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. George H. Knight of counsel for Litchfield and by Mr. J. F. Duncombe of counsel for the County of Webster et al.

135	The United States vs. Rufus Hough et al.	Plffs in Error

Mr. P. Phillips suggested the death of C. B. Church, one of the defendants in error in this cause, and on his motion it is ordered that the case be passed.

316	Mark T. Seymour, Elijah S. Alexander and Joseph D. Rutter, survivors of Andrew J. Kopper, suing for the use of said Seymour, Alexander & Rutter vs. Charles L. Gregory, C. B. Hecker, R. M. Hough, C. B. Phillips, Charles Hargeand Henry H. Eames, survivors of O. S. Hough impleaded with the Phillips & Colby Construction Company.	Plffs. in Error. In Error to the Circuit Court of the United States for the Northern District of Illinois.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Northern Dis-

trict of Illinois, and on the stipulation of counsel on file and motion of Mr. E. B. Smith in behalf of counsel, it is now here ordered and adjudged by this Court, that the writ of error in this cause be, and the same is hereby dismissed - Clerk's costs in this Court to be paid by plaintiffs in error -

Per Mr. Chief Justice Waite.

	The Michigan Central Railroad Company -	This cause was argued by Mr. F. K. Phelps of counsel for the plaintiff in error, and by
124	vs. Plff. in Error.	
	Chas. H. Slack, Coll. &c.	

Mr. Solicitor General Phillips for the defendant in error.

	R. C. Greenleaf et al	This cause was argued by Mr. C. L. Woodbury of counsel for the plaintiff in error and
125	vs. Plff's in Error.	
	John F. Goodrich late Collector &c. -	

by Mr. Assistant Attorney General Smith for the defendant in error.

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock

Tuesday December 23rd 1879

Pursuant to adjournment the Court met today at the Capitol.

Present.

The Honorable Morrison R. Waite — Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan — Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Kesley Middleton, Clerk.

Proclamation being made the Court is opened.

	Charles E. Anthony	The argument of this
128	vs. Pfc. in Error.	cause was commenced
	The County of Jasper.	by Mr. Jos. Shippen of

counsel for the plaintiff in error, continued by Mr. Alexander Graves of counsel for the defendant in error and concluded by Mr. J. B. Henderson for the plaintiff in error. Submitted on printed arguments by Mr. E. J. Montague and Mr. Fill

Tuesday December 23rd 1879 Continued.

more Beall for the defendant in error.

216	The United States Appellant vs. William B. Williams	(Substituted for No 199) This cause was argued by Mr. Assistant Attorney General Smith of counsel for the appellant and by Mr. Lewis Abraham for the appellee.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Wednesday December 21st 1879

Pursuant to adjournment the Court met today at the Capitol.

Present.

The Honorable Morrison R. Waite — Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller — Associate
Stephen J. Field — Justices
William Strong
Joseph P. Bradley
John M. Harlan

John G. Nicolay, Esquire, Marshal.
Daniel Chester Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. J. K. Mandeville, it is ordered that W. H. Lee, Esquire, of Salt Lake City, Utah Territory, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

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133 Henry Hanenstein et al vs. Pltf. in Error.
John C. Lynham, Esquire &c.

This cause was argued by Mr. H. L. Royall of counsel for the plaintiff in error and by Mr. J. G. Field for the defendant in error.

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132 The Mississippi and Tennessee Railroad Company vs. Aff. in Error.
The State of Tennessee et al.

This cause was submitted to the consideration of the Court on the record and printed argument by Mr. A. Pike and Mr. Luther Pike of counsel for the plaintiff in error. No counsel appearing for the defendant in error.

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131 The United States vs. Pltf. in Error
G. L. Kimball, Admr. &c.

This cause was argued by Mr. Assistant Attorney General Smith of counsel for the plaintiff in error. No counsel appearing for the defendant in error.

Wednesday December 21th 1879, Continued

136	Edward T. Hay vs. The Mayor &c of Baltimore	(Substituted for No 131) This cause was argued by Mr. F. J. Brown of counsel for the plaintiff in error and by Mr. Jas. L. McLane for the defendant in error.

Proclamation being made the Court is adjourned until Monday, January 5th 1880, at twelve o'clock.

Monday January 5th 1880

Pursuant to adjournment the Court met today at the Capitol

Present

The Honorable Morrison R. Waite	Chief Justice
Nathan Clifford	Associate Justices
Noah H. Swayne	
Samuel F. Miller	
Stephen J. Field	
William Strong	
Joseph P. Bradley	
John M. Harlan	

John G. Nicolay, Esquire, Marshal
Daniel Kesley Middleton, Clerk

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Enoch Totten, it is ordered that N. L. Jeffries, Esquire, of Washington City, District of Columbia, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. B. Henderson, it is ordered that

Monday January 5th 1880, continued.

Thomas J. C. Fagg, Esquire, of Louisiana, State of Missouri, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

William S. Phillips	Appeal from the Supreme Court of the District of Columbia.
87 U.S. Appellant.	
Benjamin F. Gilbert.	

This cause came on to be heard on the transcript of the record from the Supreme Court of the District of Columbia and was argued by counsel. On consideration whereof, it is now here ordered, adjudged and decreed by this Court, that the decree of the said Supreme Court in this cause be, and the same is hereby reversed with costs. And that this cause be, and the same is hereby remanded to the said Supreme Court with instructions to enter a personal decree in favor of the complainant against the defendant Gilbert for the amount of four thousand and twenty dollars, with interest from the time of the verdict, and costs: And that execution issue thereon. And to declare in the decree that the lien claimed by the complainant

was a valid lien at the time of the commencement of this suit, but that by reason of the undertaking filed in the cause, the buildings and lots mentioned in the pleadings became released and discharged from the lien: And that the complainant have leave to proceed at once upon said undertaking in an action at law to be brought for that purpose. Also that the complainant have a decree for the costs against the defendants Gilbert, Boughton and Moore and the Connecticut General Life Insurance Company of Hartford.—

per Mr. Justice Bradley.

George Watt—		Appeal from the Cir-
108 vs.	Appellant.	cuit Court of the Uni-
P. H. Starke.—		ted States for the Eas-
		tern District of Virgin-
		ia.—

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Virginia and was argued by counsel— On consideration whereof, it is now here

ordered, adjudged and decreed by this Court, that the decree of the said Circuit Court in this cause be, and the same is hereby affirmed with costs.—

per Mr Justice Bradley.

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81 The United States vs. Henry Clamorgan et al. and 82 Henry Clamorgan et al. vs. The United States and 93 Cyprian Clamorgan vs. The United States

Appeals from the District Court of the United States for the Eastern District of Missouri.

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Eastern District of Missouri on appeal and cross appeals and was argued by counsel. On consideration whereof, it is now here ordered, adjudged and decreed by this Court, that the decree of the

said District Court in this cause be, and the same is hereby reversed: And that this cause be, and the same is hereby remanded to the said District Court with directions to dismiss the petition on the merits.

per Mr. Justice Miller.

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768 The First National Bank of Quincy, Illinois — vs. — S. Frank Hall, Frank D. Patterson, Augustus L. Patterson, Martin V. Brazee & Jefferson E. Greer, partners as Hall, Patterson and Co.

In Error to the Circuit Court of the United States for the Southern District of Illinois.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of Illinois and was argued by counsel. On consideration whereof, it is now here ordered and adjudged by this Court, that the judgment of the said Circuit Court in this cause be, and the same is hereby reversed with costs: And that this cause be,

and the same is hereby remanded to the said Circuit Court with directions to proceed in conformity with the opinion of this Court.—

per Mr. Justice Swayne.

The Kentucky Improvement Company—
123 vs. Pff. in Error.
Charles F. Slack, Collector of Internal Revenue.—

In Error to the Circuit Court of the United States for the District of Massachusetts.—

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Massachusetts and was argued by counsel—On consideration whereof, it is now here ordered and adjudged by this Court, that the judgment of the said Circuit Court in this cause be, and the same is hereby affirmed with costs.—

per Mr. Jus. Clifford.

Dissenting:
Mr. Jus. Field
" Chf. Jus. Waite
" Jus. Harlan

The Eastern Kentucky Railway Company—
122 vs. Plff. in Error.
Charles H. Slack, Collector of Internal Revenue.—

In Error to the Circuit Court of the United States for the District of Massachusetts.—

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Massachusetts and was argued by counsel—On consideration whereof, it is now here ordered and adjudged by this Court, that the judgment of the said Circuit Court in this cause be, and the same is hereby affirmed with costs.—

per Mr. Justice Clifford.

R. & F. Hills, H. S. Edmunds, P. S. Edmunds & J. C. Edmunds, copartners as Hills, Edmunds and Company.—
126 vs. Plff. in Error.
Thomas Russell, late Collector of Customs.—

In Error to the Circuit Court of the United States for the District of Massachusetts.—

Monday January 5th 1880, Continued.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Massachusetts and was argued by counsel. On consideration whereof, it is now here ordered and adjudged by this Court, that the judgment of the said Circuit Court in this cause be, and the same is hereby affirmed with costs.

per Mr. Justice Clifford.

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106 James C. Babbitt, assignee of E. Miller, a bankrupt — Plff. in Error — In Error to the Circuit Court of the United States for the Eastern District of Missouri.
v.s.
John Shields and John Linn.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Missouri and was argued by counsel. On consideration whereof, it is now here ordered and adjudged by this Court, that the judgment of the said Circuit

Court in this cause be, and the same is hereby reversed with costs: And that this cause be, and the same is hereby remanded to the said Circuit Court with directions to sustain the demurrer of the plaintiff, to the affirmative defences set up in the answer, and to render judgment in favor of the plaintiff in conformity with the opinion of this Court.—

per Mr. Justice Clifford.

Lydia C. Hall, widow, and Carrie R. Hall, Alice C. Hall, Jane R. Hall, James P. Hall, Timothy K. Coolidge & Anna C. Coolidge, heirs at law of Samuel Parker Hall, deceased, devisee of J. S. Loring, deceased; and K. K. Chapman, Admin-istrator of said J. S. Loring, deceased—

63 vs. Appellants.

Edwin Russell & Margaretta V. Russell, his wife, K. K. Page and Albina C. Page, his wife, and George K. Williams—

Appeal from the Circuit Court of the United States for the District of Oregon.

Monday January 5th 1880, Continued.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Oregon and was argued by counsel. On consideration whereof, it is now here ordered, adjudged and decreed by this Court, that the decree of the said Circuit Court in this cause be, and the same is hereby affirmed with costs.

Per Mr. Chief Justice Waite.

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111 John H. Digdon vs. Emma E. Fisk

In Error to the Supreme Court of the District of Columbia.

This cause came on to be heard on the transcript of the record from the Supreme Court of the District of Columbia and was argued by counsel. On consideration whereof, it is now here ordered and adjudged by this Court, that the judgment of the said Supreme Court in this cause be, and the same is hereby affirmed with costs.

Per Mr. Chief Justice Waite.

Monday January 5th 1880, Continued.

The Metropolitan Washing Machine Company —		Appeal from the Circuit Court of the United States for the Northern District of New York.
117	vs. Appellant.	
James Young & J. E. Young.		

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Northern District of New York and was argued by counsel. On consideration whereof, it is now here ordered, adjudged and decreed by this Court, that the decree of the said Circuit Court in this cause be, and the same is hereby affirmed with costs.

Per Mr. Chief Justice Waite.

The Home Insurance Co.		In Error to the Circuit Court of the United States for the District of Rhode Island.
130	vs. Aff. in Error.	
The American Steamboat Company.		

This cause came on to be heard on the tran-

script of the record from the Circuit Court of the United States for the District of Rhode Island and was argued by counsel. On consideration whereof, it is now here ordered and adjudged by this Court, that the judgment of the said Circuit Court in this cause be, and the same is hereby affirmed with costs and interest, until paid, at the same rate per annum that similar judgments bear in the Courts of the State of Rhode Island. —

per Mr. Chief Justice Waite.

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131 | The United States vs. Plff. in Error. | In Error to the Circuit Court of the United States for the Eastern District of Arkansas. —
H. L. Kimball, Admr. of Robt. W. Kishard, decd.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Arkansas and was argued by counsel. On consideration whereof, it is now here ordered and adjudged by this Court, that the judgment of the said Circuit Court in

this cause be, and the same is hereby affirmed.
per Mr. Chief Justice Waite.

The Mississippi and Tennessee Railroad Company.	In Error to the Supreme Court of the State of Tennessee.
132 vs. Plff. in Error.	
The State of Tennessee, The County of Shelby & The City of Memphis.	

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Tennessee and was argued by counsel. On consideration whereof, it is now here ordered and adjudged by this Court, that the judgment of the said Supreme Court in this cause be, and the same is hereby affirmed with costs and interest until paid, at the same rate per annum that similar judgments bear in the Courts of the State of Tennessee.
per Mr. Chief Justice Waite.

	The United States	Appeal from the Court
216	vs. Appellant.	of Claims.
	William B. Williams.	

This cause came on to be heard on the transcript of the record from the Court of Claims and was argued by counsel. On consideration whereof, it is now here ordered and adjudged by this Court, that the judgment of the said Court of Claims in this cause be, and the same is hereby affirmed.

per Mr. Chief Justice Waite.

	Augustus Jouan	Appeal from the Supreme
485	vs. Appellant.	Court of the District of
	Willard Divoll	Columbia.

This cause came on to be heard on the transcript of the record from the Supreme Court of the District of Columbia and was argued by counsel. On consideration whereof, it is now here ordered, adjudged and decreed by this Court, that the decree of the said Supreme Court in this cause be, and the same is hereby affirmed with costs.

per Mr. Chief Justice Waite.

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190 John R. Heatherly vs. Matilda Bowie et al. | In Error to the Supreme Court of the State of Louisiana.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Louisiana and on the motion to dismiss which was argued by counsel. On consideration whereof, it is now here ordered and adjudged by this Court, that the writ of error in this cause be, and the same is hereby dismissed for the want of jurisdiction.

per Mr. Chief Justice Waite.

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429 The National Bank of Genesee vs. E. M. Whitney et al. | On consideration of the motion to dismiss this cause, it is ordered that said motion be, and the same is hereby denied.

per Mr. Chief Justice Waite.

	The County Court of Ralls Co.	On consideration of the motion to vacate the supersedeas in these cases, it is ordered that said motion be and the same is hereby denied. —
165	vs. Plff in Error	
	The U. S. ex rel J. M. Douglass.	
	and	
	The County Court of Ralls Co.	
166	vs. Plff in Error	
	The U. S. ex rel Chas. L. Jorge	

per Mr. Chief Justice Waite.

	John C. Kinsley	On consideration of the motion to advance this cause, it is ordered that said motion be, and the same is hereby denied. —
196	vs. Plff in Error.	
	The Commonwealth of Virginia.	

per Mr. Chief Justice Waite.

	Augustus D. Guilliard	On consideration of the motion to advance this cause, it is ordered that said motion be, and the same is hereby denied. —
219	vs. Plff. in Error.	
	Thomas D. Freeman.	

per Mr. Chief Justice Waite.

936 John Miles
vs. Plff. in Error.
The United States

On consideration of the motion to advance this cause, it is ordered that said motion be, and the same is hereby denied.—

Per Mr. Chief Justice Waite.

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971 The United States
vs. Appellant
Samuel McKeever.

On consideration of the motion to advance this cause, it is ordered that said motion be, and the same is hereby denied.—

Per Mr. Chief Justice Waite.

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979 The United States
vs. Appellant
Francis J. Lippitt

On consideration of the motion to advance this cause, it is ordered that said motion be, and the same is hereby granted. And that said cause be assigned for argument on the first of March, at the foot of the day calendar for that day.—

	The United States	On consideration of
188	vs. Appellant.	the motion to substi-
	Campbell K. Peck.	tute assignee in bank-
	and	ruptcy of Campbell
	Campbell K. Peck	K. Peck in these
189	vs. Appellant.	cases, it is ordered
	The United States.	that said motion
		be, and the same

is hereby denied.—

per Mr. Chief Justice Waite.

	The State ex. rel Douglass	Ordered that this
	and Jackson.—	cause be set down
118	vs. Plffs. in Error.	for re-argument
	Peter C. Gaillard, County	on Monday, Jan-
	Treasurer &c.	uary 26th and
		that it be put

at the head of the calendar for that day.

per Mr. Chief Justice Waite.

	Julian S. Rumsey	Mr. A. H. Garland of
1103	vs. Appellant.	counsel for the appellee
	Joseph H. Kemby.	having filed in open
		Court the following

certificate, to wit:

"United States of America
Eastern District of Arkansas
Julian S. Rumsey
vs.
Joseph H. Klemby.

I, Ralph L. Goodrich, Clerk of the Circuit Court of the United States for the Eastern District of Arkansas, hereby certify that on the 20th day of May, 1879, a decree was entered in the above entitled cause dismissing the bill of complaint at the cost of the complainants, and on the said 20th day of May, 1879, the complainant prayed an appeal to the Supreme Court of the United States, which appeal was then granted and on June 2nd 1879, the said complainant filed his bond for appeal which was then approved by the Court.

In witness whereof, I have hereunto set my hand and the seal of said Circuit Court this 23rd day of December, 1879.

Attest: Ralph L. Goodrich
Clerk."

And having stated that the appellant had altogether failed to file the record of said cause in this Court or in anyway to prosecute said appeal- Moved the Court in pursuance of the 9th rule, to have this appeal from the Circuit Court of the United States for the Eastern District of Arkansas docketed and dismissed- On consideration whereof, it is now here ordered, adjudged and decreed by this Court, that this appeal be, and the same is hereby docketed and dismissed with costs- And that this cause be, and the same is hereby remanded to the said Circuit Court, to be proceeded in according to law and justice-

Per Mr. Chief Justice Waite.

	Phillips County	On a certificate of division
1062.	vs.	in opinion between the
	Francis B. Loomis	Judges of the Circuit Court
		of the United States for

the Eastern District of Arkansas.-

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District

of Arkansas and on the motion of Mr. A. H. Garland of counsel for Phillips County, it is now here ordered and adjudged by this Court, that this cause be, and the same is hereby dismissed.

per Mr. Chief Justice Waite.

Phillips County
1063 v.s.
Leonards Matthews & Edwards Whittaker, partners under the firm name of Matthews & Whittaker.

On a certificate of division in opinion between the Judges of the Circuit Court of the United States for the Eastern District of Arkansas.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Arkansas and on the motion of Mr. A. H. Garland of counsel for Phillips County, it is now here ordered and adjudged by this Court, that this cause be, and the same is hereby dismissed.

per Mr. Chief Justice Waite

1062	Phillips County vs. Francis B. Loomis and Phillips County vs. Leonards Matthews et al.	On motion of Mr. A. H. Garland, leave is hereby granted him to withdraw the transcripts of records in these cases by leaving with the Clerk a receipt for the same.

489	B. D. Dauterive et al. vs. The United States.	On motion of Mr. F. J. Durant, leave is hereby granted him to file petition to dismiss this appeal so far as the same relates to the minors Corinne Bouligny and Felicie Bouligny.

944	E. C. Carrington Jr. et al. vs. George D. Barron	The motion to dismiss this cause was submitted to the consideration of the Court on printed arguments by Mr. J. S. Edwards and Mr. Job Barnard in support of the same.

Monday January 5th 1880, continued.

Charles D. Lallande and John S. Hoover assignees in bankruptcy of Andrew J. Aiken. —
182 vs. Appellants.
Hamilton E. O'Reilly, assignee in bankruptcy of William H. Edrington Jr. and William H. Edrington Jr. —

Appeal from the Circuit Court of the United States for the Southern District of Mississippi. —

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of Mississippi and on the stipulation of counsel on file and motion of Mr. A. P. Morse of counsel for the appellees, it is now here ordered, adjudged and decreed by this Court, that this appeal be, and the same is hereby dismissed at the cost of the appellees. —

per Mr. Chief Justice Waite

Monday January 5th 1880, Continued.

681	Hiram Rogers vs. Appellant. Robert Reade. and Hiram Rogers vs. Appellant. Robert Reade.	Mr. Charles King and Mr. George H. King, of counsel for the appellees, suggested the death of Hiram Rogers the appellant in these cases and filed and submitted to the consideration of the Court, motion for an order of publication.

989	Lucy C. Flagler Gayetal vs. Appellants. Catharine Parpart.	The motion to vacate the supersedeas and dismiss the appeal or affirm the decree in this cause was submitted to the consideration of the Court on printed arguments by Mr. George Herbert and Mr. Lawrence Broadfoot in support of said motion and by Mr. E. H. Ingham, Mr. Robert Lincoln and Mr. Lyman Trumbull in opposition thereto.

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10 original	Ex parte: In the matter of The Denver and Rio Grande Railway Company. Petitioner.	On motion of Mr. Conkling, it is ordered that this cause be passed to hold

its position at the head of the day calendar.

Elisha Foote
134 vs. Plff. in Error.
The County of Pike

Smedley Darlington
150 vs. Plff. in Error.
The County of Jackson
and
John M. Douglass
155 vs. Plff. in Error.
Pike County.—

On motion of Mr. J. B. Henderson, one hour additional time allowed each side in the argument of these causes.—

Elisha Foote
134 vs Plff. in Error.
The County of Pike.

Smedley Darlington
150 vs. Plff. in Error.
The County of Jackson.
and
John M. Douglass
155 vs. Plff. in Error.
Pike County.—

The argument of these cases was commenced by Mr. J. B. Henderson of counsel for the plaintiff in error in No 134 and 150, and continued by Mr. J. C. Gage for defendant in error in No 150.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Thursday January 6th 1880.

Pursuant to adjournment the Court met today at the Capitol

Present

The Honorable Morrison R. Waite, Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan
Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Kesley Middleton, Clerk.

Proclamation being made the Court is opened.

E. C. Carrington Jr. et al
vs. Appellants.
949 George D. Barron.

On motion of Mr. E. C. Carrington, leave is hereby granted him to file brief in opposition to motion to dismiss in this cause.

572	Alonzo J. Hulfish et al. Plffs. in Error. vs. J. C. & C. Shrader et al.	This cause was submitted to the consideration of the Court on the record and printed arguments Mr. G. Gordon Adam of counsel for the plaintiff in error and by Mr. F. L. Nugent for the defendant in error, under the 20th rule.

714	The School District No 56 of Richardson County. vs. The St. Joseph Fire and Marine Insurance Company Plff. in Error.	This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. E. Estabrook of counsel for the plaintiff in error and by Mr. Willard P. Hall of counsel for the defendant in error, under the 20th rule.

724	Lewis Hammock et al. Appellants. vs. The Farmers Loan and Trust Company.	This cause was submitted to the consideration of the Court on the record and print-

sed arguments by Mr. J. K. Edsall of counsel for the appellants and by Mr. Robert E. Williams of counsel for the appellee, under the 20th rule.

Elisha Foote
131 vs. Plff. in Error.
The County of Pike.
Smedley Darlington
150 vs. Plff. in Error
The County of Jackson.
and
John M. Douglass
155 vs. Plff. in Error.
Pike County.

The argument of these cases was continued by Mr. T. J. C. Fagg of counsel for the defendant in error in Nos 131 and 155, by Mr. George F. Edmunds of counsel for the defendants in error in Nos 131 and 150, and concluded by Mr. Henderson for the plaintiff in error in Nos 131 and 150. And submitted on printed arguments by Mr. Oden Guitar for the plaintiff in error in 131 and by Mr. Fillmore Beall for the defendant in error in the same case. And by Mr. J. H. Overall and Mr. F. H. Judson for plaintiff in error in 155.

Thursday January 6th 1881, Continued

137 John G. Phillips, Admr
d. b. n. &c
vs Appellant.
Albert Ordway. —

The argument of this cause was commenced by Mr. H. D. Davidge of counsel for the appellant.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Wednesday January 7th 1880.

Pursuant to adjournment the Court met today at the Capitol—

Present—

The Honorable Morrison R. Waite — Chief Justice.

Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan
— Associate Justices.

John G. Nicolay, Esquire, Marshal
Daniel Kiesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. T. G. Kimball, it is ordered that C. F. Compton, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. R. C. Maury, it is ordered that G. M. Logan, Esquire, of Richmond, State of Virginia,

be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr John Van Voorhis, it is ordered that Stephen W. Downey, Esquire, of Laramie, Wyoming Territory, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. S. R. Bond, it is ordered that Henry H. Smith, Esquire, of Rutland, State of Vermont, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. W. Scudder, it is ordered that James B. Vrendenburg, Esquire, of Jersey City, State of New Jersey, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

Wednesday January 7th 1880, continued.

118	William A. Griswold vs. James B. Kilbreth, The Cincinnati, Hamilton and Dayton Railroad Co, The Cincinnati, Hamilton and Indianapolis Railroad Co. and others.	Appeal from the Circuit Court of the United States for the Southern District of Ohio.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of Ohio and on the stipulation on file and motion of Mr. Edward Janin in behalf of counsel, it is now here ordered, adjudged and decreed by this Court, that this appeal be, and the same is hereby dismissed with costs.

per Mr. Chief Justice Waite.

Wednesday January 7th 1880, continued:-

151	Charles Laure vs. Appellant & Plff. in Error. Henry O. Seixas, Henry H. Benjamin and Abraham Britton, (as ct. Britton) Robert Moore, Chapman Kyams and Gus Wheeler, composing the firm of Moore, Kyams & Co., Jules Casard and Charles DeRuyter.-	Appeal from and in error to the Circuit Court of the United States for the District of Louisiana.-

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Louisiana and on the stipulation of counsel on file and motion of Mr. Edward Janin in behalf of counsel, it is now here ordered and adjudged by this Court, that the appeal and writ of error in this cause be, and the same are hereby dismissed with costs.-

per Mr. Chief Justice Waite.

137	John L. Phillips, Admr d. b. n. &c.- vs. Appellant. Albert Ordway.-	The argument of this cause was continued by Mr. W. D. Lawrence

Wednesday January 4th 1882, continued

of counsel for the appellant, by Mr. R. S. Merrick of counsel for the appellee and concluded by Mr. A. S. Worthington for the appellant.

	The Wabash Mining Co.	Ordered that this cause
139	vs. Appellant.	be continued until the
	The Bullion Mining	next term, per Stipula-
	Company.	tion.

	Jerome B. Pollard	The argument of this cause
111	vs. Plff. in Error.	was commenced by Mr.
	The N. J. R. R. & Trans. Co.	Jno. S. Abbott of counsel
		for the plaintiff in error.

Proclamation being made the Court adjourned until tomorrow at twelve o'clock.

Thursday January 8th 1880.

Pursuant to adjournment the Court met today at the Capitol —

Present —

The Honorable Morrison R. Waite — Chief Justice.
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan — Associate Justices.

John G. Nicolay, Esquire, Marshal
Daniel Kesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Charles H. Reed, it is ordered that Thomas A. Banning, Esquire, of Chicago, State of Illinois, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George Harding, it is ordered

that John R. Bennett, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

	Wells K. & L. L. Leggett	This cause was submitted to the consideration
755	vs. Appellants.	of the Court on the rec-
	D. F. Avery et al.	ord and printed argu-

ments by Mr. W. D. Leggett of counsel for the appellants and by Mr. John E. Hatch for the appellees, under the 20th rule.

	B. D. Dauterive et al.	This cause was submitted
489	vs. Appellants.	to the consideration of
	The United States.	the Court on the record

and printed arguments by Mr. Edward Janin of counsel for the appellants and by Mr. Solicitor General Phillips for the appellee, under the 20th rule.

	The United States.	This cause was submitted
511	vs. Appellant.	to the consideration of
	Timothy E. Ellsworth.	the Court on the record

and printed arguments

by Mr. Solicitor General Phillips of counsel for the appellant and by Mr. J. H. Douglass for the appellee, under the 20th rule.

1811 Oscar H. and al. Butterfield vs. Mary A. Smith, Adm'x — Appellants.

This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. Alfred Ennis and Mr. C. A. Sperry of counsel for the appellants and by Mr. J. E. Clemens for the appellee, under the 20th rule.

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512 The Great Western Quicksilver Mining Company vs. Richard T. Knox and Joseph Osborn — Plff in Error.

In Error to the Circuit Court of the United States for the District of California.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of California and on the motion of Mr. George Harding of counsel for the plaintiff in error, it is now here ordered and adjudged by this

Court, that the writ of error in this cause be, and the same is hereby dismissed with costs.—

per Mr. Chief Justice Waite.

1110	Jerome B. Pallard vs. Plff. in Error. The New Jersey Railroad and Transportation Company.	The argument of this cause was continued by Mr. J. S. Abbott of counsel for the plaintiff in error. The Court declined to hear further argument in the cause.

1111	William Tremouth vs. Plff. in Error. The City of San Francisco	This cause was argued by Mr. S. M. Wilson of counsel for the defendant in error and submitted on printed arguments by Mr Walter Vanclyke of counsel for the plaintiff in error and by Mr. C. L. Scold and Mr. Edward Janin of counsel for the defendant in error.

1112	The National Savings Bank of the District of Columbia vs. Plff. in Error. William H. Ward.—	This cause was argued by Mr. A. Ross Perry of counsel for the plain—

Thursday, January 8th 1880, Continued.

tiff in error and by Mr. Jos. H. Bradley and Mr. J. J. Johnson for the defendant in error.

143	John C. J. Cresswell et al vs. Appellants. Thos. McLanahan et al	The argument of these cases was commenced by Mr. Enoch Totten of counsel for the appellants and continued by
	and	
152	John C. J. Cresswell et al vs. Appellants. Thomas McLanahan et al	

Mr. S. Teackle Wallis for the appellees.

Proclamation being made the Court is adjourned until Monday next at twelve o'clock.

Monday January 12th 1880.

Pursuant to adjournment the Court met to-day at the Capitol -

Present -

The Honorable Morrison R. Waite — Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan — Associate Justices.

John G. Nicolay, Esquire, Marshal
Daniel Kesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. B. F. Butler, it is ordered that David Hall Rice, Esquire, of Boston, State of Massachusetts, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Samuel Shellabarger, it is ordered that Theodore F. A. Meyer, Esquire, of New York City, be

admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Enoch Totten, it is ordered that Francis M. Wright and Josiah C. Cunningham, Esquires, of Urbana, State of Illinois and William C. P. Breckinridge, Esquire of Lexington and J. J. Moore, Esquire, of Owensboro, State of Kentucky, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. James C. Broadhead, it is ordered that John F. Dillon, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Attorney General Devens, it is ordered that George D. Robinson, Esquire, of Chicopee, State of Massachusetts, be admitted to practice as an attorney and counsellor of

this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. C. S. Clark, it is ordered that William G. Mason, Esquire, of Chicago, State of Illinois, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

Annie Hough in her own right and as natural guardian and next friend of James K. Hough

vs. Plff in Error.

The Texas and Pacific Railway Company.—

In Error to the Circuit Court of the United States for the Western District of Texas.

79

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Western District of Texas and was argued by counsel. On consideration whereof, it is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be, and the same is hereby reversed with costs. And that this cause be, and the same is hereby remanded to the said Cir-

cuit Court with directions to set aside the verdict and award a new trial and for such other proceedings as may be consistent with the opinion of this Court.

Per Mr. Justice Harlan.

Orlando B. Dickerson, Survivor
118 vs. Plaintiff in Error.
Calvin Colgrove et al. —

In Error to the Circuit Court of the United States for the Western District of Michigan.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Western District of Michigan and was argued by counsel. On consideration whereof, it is now here ordered and adjudged by this Court, that the judgment of the said Circuit Court in this cause be, and the same is hereby affirmed with costs.

Per Mr. Justice Swayne.

	William A. Ayres, Executor of Charles P. Gage, deceased	Appeal from the Circuit Court of the United States for the Northern District of Illinois.
1/2	vs. Appellant.	
	The City of Chicago, George Taylor, David A. Gage & Eliza M. Gage.	

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Northern District of Illinois and was argued by counsel. On consideration whereof, it is now here ordered, adjudged and decreed by this Court, that the decree of the said Circuit Court in this cause be, and the same is hereby affirmed with costs.

Per Mr. Chief Justice Waite.

	Jerome B. Pallard	In Error to the Circuit Court of the United States for the District of New Jersey.
1/0	vs. Pl'ff. in Error.	
	The New Jersey Railroad and Transportation Company.	

Monday January 12th 1880, continued.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of New Jersey and was argued by counsel. On consideration whereof, it is now here ordered and adjudged by this Court, that the judgment of the said Circuit Court in this cause be, and the same is hereby affirmed with costs.—

per Mr. Chief Justice Waite.

Edward C. Carrington jr. and Adolphus G. Hillsdd, administrator of Hannah J. Bargy, deceased.—
vs
George C. Barron.—

Appeal from the Supreme Court of the District of Columbia.—

919 Appellants.

This cause came on to be heard on the transcript of the record from the Supreme Court of the District of Columbia and on the motion to dismiss, which was argued by counsel. On consideration whereof, it is now here ordered, adjudged and decreed by this Court, that this appeal be, and the same is hereby dis-

missed with costs.—

per Mr. Chief Justice Waite.

139	Thomas Sayles vs. The Lake Shore & Michigan Southern Railway Co. Appellant.	Ordered by the Court that the submission under the 24th rule be set aside in this cause and that the cause be argued orally when reached in the regular call of the docket.

435	James H. Harvey et al— vs. The United States.— Appellants.	Ordered by the Court that the submission of this cause under rule 24 be set aside and the cause argued orally when reached in the regular call of the docket.

959	Lucy C. Flagler & Jay et al— vs. Catharine Parfait.— Appellants.	On consideration of the motion to dismiss the appeal, vacate the supersedeas or affirm the decree in this cause, it is ordered that said motions be, and the same are hereby denied.

Hiram Rogers
684 vs. Appellant
Robert Reade
and
Hiram Rogers
685 vs. Appellant
Robert Reade

The death of Hiram Rogers, the appellant in these cases, having been suggested and motion for an order under the 15th rule to make the proper representatives in the personalty and realty of the said appellant, parties, having been submitted to the consideration of the Court. It is now here ordered that unless the proper representatives in the personalty and realty of the said Hiram Rogers, deceased as aforesaid, shall voluntarily become parties within the first ten days of the ensuing term of this Court, the appellee shall be entitled to have these appeals dismissed - provided that a copy of this order shall be printed in some newspaper, at the seat of government, of general circulation, for three successive weeks at least sixty days before the beginning of the term of the Supreme Court next ensuing.

Monday January 12th 1880, continued.

	The United States	Mr. J. B. Sanborn
788	vs. Appellant.	suggested the death
	Campbell K. Peck	of Campbell K. Peck
	and	and filed motion to
	Campbell K. Peck	admit Helen A. Peck,
789	vs. Appellant.	Administratrix, as a
	The United States.	party in these cases.

	Frank J. Bowman	Mr. D. P. Edmunds filed
908	vs. Plff. in Error.	and submitted to the
	Edward C. Lewis et al.	consideration of the
		Court, motion to advance

this cause.

	The Mutual Benefit Life	In Error to the Cir-
	Insurance Company.	cuit Court of the
161	vs. Plff. in Error.	United States for
	J. J. Murphy.	the Eastern District
		of Missouri.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Missouri and on the motion of Mr. C. S. Worthington of counsel for the plaintiff in error, it is now

were ordered and adjudged by this Court, that the writ of error in this cause be, and the same is hereby dismissed with costs.

per Mr. Chief Justice Waite

	The Colorado Central Railroad Company—	This cause was submitted to the consideration of the Court on the record and printed argu-
641	vs. Plff. in Error.	
	Asher C. White, Admr.	

ments by Mr. H. M. Teller of counsel for the plaintiff in error and by Mr. John D. Charles for the defendant in error, under the 20th rule.

	Edward J. Gay	This cause was submitted
1025	vs. Appellant.	to the consideration of
	Charles E. Otterstad	the Court on the record

and printed arguments by Mr. H. J. Leary of counsel for the appellant and by Mr. Wm. L. Bright of counsel for the appellees, under the 20th rule.

	Joseph H. Trench	This cause was sub-
1029	vs. Plff. in Error.	mitted to the consid-
	Margaret C. Wadestal.	eration of the Court

on the record and printed arguments by Mr. B. F. Jonas of counsel for the plaintiff in error and by Mr. J. C. Campbell for the defendant in error, under the 20th rule.

	The International Bank et al		These cases
972	vs.	Appellants.	were submitted
	Hoyt Sherman, Assignee &c.		to the
	and		consideration
	William Nickling		of the Court
1042	vs.	Appellant.	on the record
	Hoyt Sherman, Assignee.		and printed

arguments by Mr. J. Rosenthal and Mr. C. M. Pence for appellants in No 972, by Mr. Albion Cate of counsel for the appellants in 1042 and by Mr. J. S. Peck and by Mr. L. H. Bisbee for the appellees in both cases, under the 20th rule.

	E. P. Champlin et al		The motion to dismiss
163	vs.	Appellants.	this cause was submit-
	The Consolidated Asso-		ted to the considera-
	ciation of Planters of		tion of the Court
	Louisiana et al.		on printed arguments

by Mr. C. E. Tenner

in support of the same and by Mr. J. L. Rouse and Mr. William Grant in opposition thereto.

John C. J. Cresswell et al Commissioners &c. —	The argument of these cases was continued by Mr. S. Gale Wallis of counsel for the appellees and concluded by Mr Enoch Totten
143 vs. Appellants	
Thomas McLanahan and	
John C. J. Cresswell et al Commissioners &c. — Appellants.	
Thomas McLanahan. —	

of counsel for the appellants.

Ex parte: The Denver and Rio Grande Railway Co.	The argument of the petition for a writ of Mandamus in this
10 — original — Petitioners	

cause was commenced by Mr. Samuel Shellabarger in support of the petition and continued by Mr. Sidney Bartlett in opposition thereto.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Tuesday January 13th 1880.

Pursuant to adjournment the Court met to-day at the Capitol.—

Present

The Honorable Morrison R. Waite — Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field — Associate Justices
William Strong
Joseph P. Bradley
John M. Harlan

John G. Nicolay, Esquire, Marshal
Daniel Kesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. George C. Hazelton Esquire, it is ordered that Hiram Medbery, Esquire, of Monroe, State of Wisconsin, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Francis Kernan, it is ordered

that S. K. Adams, Esquire, of Utica, Oneida County, State of New York, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles King, it is ordered that Cyrenius Briegel, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

	The New York Central and Hudson River R.R.Co.	On motion of Mr. Fillmore Beall, leave is hereby granted the Clerk to issue
33	vs. Aff. in Error.	
	Olga de Malata Kraloff.	

the mandate in this cause.

	Ex parte. The Denver and	The argument
	Rio Grande Railway Co. -	of this cause
10	original - Petitioners. -	was continued

by Mr. George O. Shattuck in opposition to the petition for mandamus and concluded by Mr. Ros-

coe Conkling in support of the same.

	The Central Trust Company, Receiver &c.	This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. S. H. Packard of counsel for the appellant and by Mr. J. A. Sleeper and Mr. H. K. Hilton for the appellee, under the 20th rule.
270	vs. Appellant.	
	The First National Bank of Wyandotte.	

	Stephen Duncan	This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. Thomas J. Semmes and Mr. Robert Mott of counsel for the appellant and by Mr. H. D. Kelley and Mr. H. L. Lazarus for the appellees, under the 20th rule.
929	vs. Appellant.	
	William Hegan et al.	

	George Leslie	This cause was submitted to the consideration of the Court on the record
1030	vs. Plff. in Error.	
	The Town of Urbana.	

and printed arguments by Mr. L. M. Cullom and Mr. O. J. Bailey of counsel for the plaintiff in error and by Mr. J. C. Cunningham and Mr. Francis M. Knight for the defendant in error, under the 20th rule

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O. M. Hatch et al
1059 vs. Appellants.
Charles A. Dana

This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. D. T. Littler of counsel for the appellant and by Mr. E. B. McCagg for the appellee, under the 20th rule.

Hallett Kilbourn
144 vs. Plff in Error.
John G. Thompson et al

The argument of this cause was commenced by Mr. Charles A. Eldridge of counsel for the plaintiff in error.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Wednesday January 11th 1882.

Pursuant to adjournment the Court met to-day at the Capitol. —

Present —

The Honorable Morrison R. Waite, Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan
Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Kesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Hon. J. E. McDonald, it is ordered that Robert C. Bell, Esquire, of Fort Wayne, State of Indiana, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

Wednesday, January 11th 1860, continued.

	N. & S. Coudrey	These causes were sub-
1075	vs. Appellant.	mitted to the con-
	J. V. V. Vandenburgh et al.	sideration of the
	and	Court on the record
	N. & S. Coudrey	and printed argu-
1076	vs. Appellant.	ments by Mr. Jos-
	J. V. V. Vandenburgh et al.	eph H. Bradley of
		counsel for the

appellant and by Mr. J. G. Payne for the appellee, under the 20th rule.

	Hallett Kilbourne	The argument of this
141	vs. Aff. in Error.	cause was continued
	John G. Thompson et al.	by Mr. Frank H.
		Hurd and Mr. H. H.

Smith of counsel for the defendants in error and concluded by Mr. Enoch Totten for the plaintiff in error.

	N. N. Hicks	Mr. S. M. Wilson sug-
70	vs. Aff. in Error.	gested the death of
	Robert Sherts et al.	E. C. Kirby, one of the
		defendants in error

in this cause and moved the Court to enter the appearance of Mrs. Mary Kirby, Executrix.

of the said E. C. Kirby, as one of the defendants in error in this cause. Whereupon it is ordered that the said Mrs. Mary Kirby, Executrix of the said E. C. Kirby, deceased as aforesaid, be, and she is hereby entered and made a party defendant in error in this cause.

S. K. Wells
1/c vs. Plff. in Error.
Robert Cypherts et al.

The argument of this cause was commenced by Mr. Montgomery Blair of counsel for the plaintiff in error and continued by Mr. J. M. Wilson for the defendant in error.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Thursday January 15th 1880

Pursuant to adjournment the Court met today at the Capitol –

Present –

The Honorable Morrison R. Waite — Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller — Associate
Stephen J. Field — Justices
William Strong
Joseph P. Bradley
John M. Harlan

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. P. Phillips, it is ordered that Thomas H. Brents, Esquire, of Walla Walla, Washington Territory, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

1016 Richard B. Montgomery, etal Appellants vs. Silas K. Sawyer

This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. H. B. Kelley, H. L. Lazarus and B. F. Jonas of counsel for the appellants and by Mr. Joseph P. Hoge for the appellee, under the 20th rule.

1097 The Township of Empire Plff. in Error vs. Smedley Darlington

This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. Lawrence Weldon of counsel for the plaintiff in error and by Mr. S. M. Cullem for defendant in error, under the 20th rule.

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139 The 120 Mining Company Appellant vs. The Bullion Mining Company.

On motion of Mr. S. M. Wilson, it is ordered that the order of continuance entered in this cause be, and the same is here-

by stricken out.

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139 The 420 Mining Company, Appellant, vs. The Bullion Mining Co. | Appeal from the Circuit Court of the United States for the District of Nevada.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Nevada and on the authority of counsel for the appellant on file and motion of Mr. J. H. Nelson in behalf of counsel, it is now here ordered, adjudged and decreed by this Court, that this appeal be, and the same is hereby dismissed with costs.—

per Mr Chief Justice Waite

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185 Augustus Jovan, Appellant, vs. Willard Ivoll | On motion of Mr. F. H. Kimball, leave is hereby granted the Clerk to issue the mandate in this cause.

Thursday January 15th 1880, Continued

	William N. Weeks	The argument of
70	vs.	this cause was con-
	Alf. in Error.	tinued by Mr. S.
	Robert Spherts et al	M. Wilson of

counsel for the defendants in error and concluded by Mr. Montgomery Blair of counsel for the plaintiff in error.

	The Mayor, Aldermen and	Appeal
	Commonalty of the City	from the
	of New York. —	Circuit
145	vs. Appellants.	Court of
	The New England Transfer	the Uni-
	Company. —	ted States
		for the

Southern District of New York. —

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of New York and on the stipulation of counsel for the respective parties on file, it is now here ordered, adjudged and decreed by this Court, that this appeal be, and the same is

hereby dismissed with costs.
per Mr. Chief Justice Waite

145	The Mayor &c of the City of New York vs. The New England Transfer Company	Appellants

Ordered that leave be granted the Clerk to issue the mandate in this cause.
(per stipulation of counsel on file.)

146	The Town of Roberts vs. Matthew S. Bolles	Pff. in Error

This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. C. J. Bell of counsel for the plaintiff in error and by Mr. George O. Ide for the defendant in error.

147	N. C. Knight vs. Charles McLaughlin	Pff. in Error

This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. S. S. Henkle of-

counsel for the plaintiff in error. No counsel appearing for the defendant in error

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	The Mayor &c of Vicksburg	This cause was
118	vs. Pltff in Error.	argued by Mr.
	John F. Hagan & Mary Tobin	P. Phillips of
		counsel for the

plaintiff in error and by Mr. F. B. Pitman for the defendants in error.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Friday January 16th 1880

Pursuant to adjournment the Court met today at the Capitol —

Present:

The Honorable Morrison R. Waite Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan
} Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Kesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. H. C. Field, it is ordered that Charles H. Hunlington and James T. L. Whittier, Esquires of Boston, State of Massachusetts, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

Friday January 16th 1880, continued.

On motion first made to the Court in this behalf by Mr. W. H. Calkins, it is ordered that Daniel J. Wile, Esquire, of La Porte, State of Indiana, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

	The Bank of America	This cause was argued by Mr. W. B. Pittman of counsel for the plaintiff in error and by Mr. J. R. Chalmers for the defendants in error.
14	vs. Plff in Error.	
	Virginia and A. D. Banks	

	Thomas D. Pearce	Ordered that this cause be passed on account of sickness of counsel.
149	vs. Appellant.	
	Lewis J. Mulford et al	

	Harvey Terry	This cause was argued by Mr. Harvey Terry, the plaintiff in error and submitted on printed arguments by Mr. J. J. Davis of counsel for the defendants in error.
151	vs. Plff in Error.	
	D. F. & J. P. Little	

Friday January 16th 1880, continued

153	The United States U.S. Appellant Sanford Berryman	This cause was argued by Mr. Assistant Attorney General Smith of counsel for the appellant and by Mr. R. S. Davis of counsel for the appellee.

154	Patrick Burns et al U.S. Appellants Jacob Meyer et al	This cause was argued by Mr. S. F. Boyd of counsel for the appellants. No counsel appearing for the appellee.

156	John Bechtel et al U.S. Plffs. in Error The United States.	This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. Edward Salomon of counsel for the plaintiffs in error and by Mr. Assistant Attorney General Smith for the defendant in error.

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159 Frank Shaw et al
vs. Appellants.
The Little Rock and Fort Smith Railway Co.
and
160 Frank Shaw et al
vs. Appellants.
The Little Rock and Fort Smith Railway Co. et al

These cases were submitted to the consideration of the Court on the record and printed arguments by Mr. B. C. Brown of counsel for the appellant and by Mr. C. F. Huntington for the appellee

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161 The National Savings Bank of D.C.
vs. Appellant
J. C. F. Cresswell et al

for the appellant.

The argument of this cause was commenced by Mr. James M. Johnson of counsel

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	The United States	Mr. J. D. Sanborn
788	vs. Appellant.	submitted to the
	Campbell K. Peck	consideration of
	and	the Court, motion
	Campbell K. Peck	to admit Helen C.
789	vs. Appellant.	Peck, Administra-
	The United States.	trix of Campbell
		K. Peck, deceased,

as a party in these cases.

Proclamation being made the Court is adjourned until Monday next, at twelve o'clock.

Monday January 19th 1880.

Pursuant to adjournment the Court met today at the Capitol

Present

The Honorable Morrison R. Waite — Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan — Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Kesley Middleton, Clerk

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Francis Kernan, it is ordered that E. Bainbridge Smith and John H. Knox, Esquires of New York City and John D. Bedle, Peter Dantley and Jol. H. Lippincott, Esquires of Jersey City, State of New Jersey, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. P. Phillips, it is ordered that Jarrett T. Richards, Esquire, of Santa Barbara, State of California, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. R. N. Willson, it is ordered that George Junkin, Esquire, and William Henry Lex, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. M. F. Morris, it is ordered that James N. Denny, Esquire, of Baltimore, State of Maryland, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

Monday January 19th 1880, Continued

95 William C. M. Baker vs. Elizabeth Selden — Appellant. | Appeal from the Circuit Court of the United States for the Southern District of Ohio. —

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of Ohio and was argued by counsel — On consideration whereof, it is now here ordered, adjudged and decreed by this Court, that the decree of the said Circuit Court in this cause be, and the same is hereby reversed with costs — And that this cause be, and the same is hereby remanded to the said Circuit Court with directions to dismiss the complainants bill.

per Mr. Justice Bradley

Richard C. Greenleaf, Henry Woods, Samuel Johnson Jr. William Endicott Jr. Thomas Black and Augustus De Peyster copartners as C. F. Hovey & Company—

127 vs.

John J. Goodrich, late Collector of Customs.—

Appls in Error. } in Error to the Circuit Court of the United States for the District of Massachusetts.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Massachusetts and was argued by counsel. On consideration whereof, it is now here ordered and adjudged by this Court, that the judgment of the said Circuit Court in this cause be, and the same is hereby affirmed with costs.—

Per Mr. Justice Strong

	William Tremouth	In Error to the
111	vs. Aff. in Error.	Supreme Court
	The City and County	of the State of
	of San Francisco, Jno.	California.
	H. Baird et al.	

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of California and was argued by counsel. On consideration whereof, it is now here ordered and adjudged by this Court, that the judgment of the said Supreme Court in this cause in this cause be, and the same is hereby affirmed with costs.

per Mr. Justice Field.

	The United States	Appeal from the
875	vs. Appellant	Court of Claims.
	Charles Bowen	

This cause came on to be heard on the transcript of the record from the Court of Claims and was argued by counsel. On consideration whereof, it is now here ordered

and adjudged by this Court, that the judgment of the said Court of Claims in this cause be, and the same is hereby affirmed.

per Mr. Justice Miller.

Henry Hauenstein, Anna Hauenstein, Louisa Kraftiger, John Hauenstein by his guardian, Frederick Hauenstein et al.,
133 vs. Plff. in Error.
John A. Lynham, Escheator for the Commonwealth of Virginia —

In Error to the Supreme Court of Appeals of the State of Virginia —

This cause came on to be heard on the transcript of the record from the Supreme Court of Appeals of the State of Virginia and was argued by counsel — On consideration whereof, it is now here ordered, adjudged and decreed by this Court, that the decree of the said Supreme Court of Appeals in this cause be, and the same is hereby reversed with costs — And that this cause be, and the same is hereby remanded to the said

Court for further proceedings to be had therein in conformity with the opinion of this Court.

per Mr. Justice Swayne.

	The National Saving Bank of the District of Columbia	In Error to the Supreme Court of the District of Co
112	vs. Pff in Error.	
	William H. Ward	

lumbia.

This cause came on to be heard on the transcript of the record from the Supreme Court of the District of Columbia and was argued by counsel. On consideration whereof, it is now here ordered and adjudged by this Court, that the judgment of the said Supreme Court in this cause be, and the same is hereby affirmed with costs.

per Mr. Justice Clifford

Dissenting:
Mr Chief Justice Waite
" Justice Strong
" " Bradley.

107	The American Bible Society vs. John C. & Grove, J. N. Browne, E. A. Browne et al.	Appeal from the Circuit Court of the United States for the Western

District of Missouri—

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Western District of Missouri and was argued by counsel— On consideration whereof, it is now here ordered, adjudged and decreed by this Court, that the decree of the said Circuit Court in this cause be, and the same is hereby affirmed with costs.

per Mr. Chief Justice Waite

863	Edward P. Champlin et al. vs. The Consolidated Association of Planters, &c..	Appellants.	On consideration of the motion to dismiss this cause, it is

now here ordered that said motion be, and the same is hereby denied—

per Mr. Chief Justice Waite

	The United States	On consideration of
788	vs. Appellant.	the motion of Mr.
	Campbell K. Peck	D. Faulkner to have
	and	Helen A. Peck, Ad-
	Campbell K. Peck	ministratrix of Camp-
789	vs. Appellant.	bell K. Peck, deceas-
	The United States.	ed, made a party

in these cases, it is ordered that Helen A. Peck, Administratrix of the said Campbell K. Peck, deceased as aforesaid, be, and she is hereby entered and made a party in these cases.

	Frank J. Bowman	On consideration of
908	vs. Aff. in Error.	the motion to ad-
	Edward A. Lewis et al	vance this cause,

it is ordered that said motion be, and the same is hereby granted and that the cause be assigned for argument on the first Monday in March at the head of the day calendar.

The Chief Justice announced that the Court would adjourn from the second day of February to the first day of March.

George E. Ketchum et al
162 vs. Appellants
The County of St Louis
Intervenor—

On motion of Mr George F. Edmunds, leave is hereby granted F. J. Bowman to argue this cause.

The Florida Central & R. R. Co.
1022 vs. Appellants
J. Fred. Schutte et al.
The Jacksonville, Pensacola & Mobile R. R. Co.
1023 vs. Appellants
J. Fred. Schutte et al
and
The Eastern North Carolina Railroad Company—
1024 vs. Appellants
George F. Drew, Governor et al.

Mr. C. K. Jones filed and submitted for the consideration of the Court motion in these cases.

David C. Cowell
116 vs. Pltff in Error
The Colorado Springs Company—

On motion of Mr. Enoch Totten leave is hereby granted the Clerk to issue the mandate in

Monday January 19th 1880, continued.

this cause.

	Alfred Marchand	The motion to dismiss
812	vs. Pff. in Error	this cause was submit-
	Henry Fiellsen —	ted to the considera-
		tion of the Court on

printed arguments by Mr. P. Phillips and Mr. W. H. Phillips in support of the same and by Mr. T. J. Durant and Mr. G. H. Horner in opposition thereto.

	The United States	This cause was sub-
510	vs. Appellants	mitted to the consid-
	Catharine Thrush &	eration of the Court
	William B. Stone. —	on the record and

printed argument by Mr. Asst. Attorney General Smith of counsel for the appellant and by Mr. J. H. Denny for the appellee, under the 20th rule.

	William H. Phillips	On motion of Mr.
87	vs. Appellant	George F. Appleby,
	B. F. Gilbert —	leave is hereby grant-
		ed the Clerk to is-

sue the mandate in this cause.

1870 Marion D. Crampton Appellant
vs.
Augustus Zabriskie et al

On motion of Mr. Bedle, it is ordered that the time for filing briefs in this cause be extended until the 24th inst.

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396 Thomas S. McCalley in his own behalf and as Executor of Caroline M. McCalley, deceased, Charles S. McCalley et al Appellants
vs.
Hugh L. Clay, Assignee of Thomas S. McCalley, a bankrupt
and
Hugh L. Clay, Assignee of Thomas S. McCalley, a bankrupt

397 vs.
Thomas S. McCalley in his own behalf and as Executor of Caroline M. McCalley, deceased, Charles S. McCalley et al.

Appeals from the Circuit Court of the United States for the Northern District of Alabama.

This cause came on to be heard on the transcript of the record from the Circuit

Court of the United States for the Northern District of Alabama on appeal and Cross appeal and on the stipulation of counsel for the respective parties on file and on motion of Mr. P. C. Fullerton of counsel for Hugh L. Clay, Assignee &c; it is now here ordered, adjudged and decreed by this Court, that these appeals be, and the same are hereby dismissed. Costs in this Court to be paid by Hugh L. Clay, Assignee &c.

per Mr. Chief Justice Waite

	The United States	On motion of Mr. L.
216	vs. Appellant	Abrahams, leave is
	Williams & Williams	hereby granted the Clerk
		to issue the mandate

in this cause.

	The National Savings	The argument of
	Bank of the Dist. of Col.	this cause was con-
161	vs. Appellant	tinued by Mr.
	John C. Cresswell et al.	Enoch Totten of

counsel for the appellees and concluded by Mr. James M.

Johnston for the appellant.

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157 | Hugh Shannahal vs. Plffs. in Error. The Merchants National Bank of St. Louis. | The argument of this cause was commenced by Mr. James E. Bowen of counsel for the plaintiffs in error.

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Tuesday, January 20th 1880

Pursuant to adjournment the Court met today at the Capitol.

Present:

The Honorable Morrison R. Waite, Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan
Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Kesley Middleton, Clerk.

Proclamation being made the Court is opened.

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788 The United States, Appellant
vs.
Helen T. Peck, Admx of Campbell K. Peck

and

789 Helen T. Peck, Admx of Campbell K. Peck, Appellant
vs.
The United States

These cases were submitted to the consideration of the Court on the record and printed arguments by Mr. J. B. Sanborn of counsel for Peck and by Mr. Assistant Attorney General

Smith for the United States.

1140 The New Orleans National Banking Association vs. Appellant. The New Orleans Mutual Insurance Association et al.

This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. J. L. Rouse and Mr. Wm Grant of counsel for the appellant and by Mr. C. B. Singleton for the appellee, under the 20th rule.

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157 Hugh Shaw et al vs. Appellants in Error The Merchants National Bank of St. Louis.

The argument of this cause was continued by Mr. Robert N. Wilson and Mr. George Junkin of counsel for the defendants in error and concluded by Mr. James O. Brown for the plaintiff in error.

Tuesday January 20th 1880, Continued

158 Joseph W. Parish et al Appellants.
vs.
The United States

The argument of this cause was commenced by Mr. J. B. Sanborn of counsel for the appellants and continued by Mr. Solicitor General Phillips of counsel for the appellee.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Wednesday January 21st 1880.

Pursuant to adjournment the Court met today at the Capitol.

Present.

The Honorable Morrison R. Waite, Chief Justice

Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan
} Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Kesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. H. C. Herman, it is ordered that R. C. Foster, Esquire of Denison, State of Texas, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

499	Frank F. Case, Recr &c. vs. The Citizens Bank of Louisiana.	Plff. in Error.

This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. J. D. Rouse and Mr. Wm. Grant of counsel for the plaintiff in error and by Mr. E. Janin and Mr. C. Pilot of counsel for the defendant in error, under the 20th rule.

943	William Woodfolk et al vs. James C. Seddons	Appellants.

This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. T. D. W. Yonley of counsel for the appellants and by Mr. C. W. Garland for the appellee, under the 20th rule.

158	Joseph W. Parish et al vs. The United States.	Appellants.

The argument of this cause was concluded by Mr. J. B. Sanborn of counsel for the appellants.

Wednesday January 21st 1880, continued.

162	George E. Ketchum et al. vs. The County of St. Louis, Intervenor	Appellants.

The motion to dismiss this cause was argued by Mr. N. A. Cowdrey in support of the same and by Mr. J. C. Broadhead in opposition thereto.

162	George E. Ketchum et al vs. The County of St. Louis, Intervenor	Appellants.

The argument of this cause was commenced by Mr. M. C. Day of counsel for the appellants and continued by Mr. P. Phillips and Mr. H. C. Clover for the appellee.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Thursday January 22nd 1880

Pursuant to adjournment the Court met today at the Capitol—

Present—

The Honorable Morrison R. Waite, Chief Jus.
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan
} Associate Justices.

John G. Nicolay, Esquire, Marshal
Daniel Kesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. P. Phillips, it is ordered that Hilo A. Coulter, Esquire of Columbus, State of Ohio, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Hon. J. E. McDonald, it is

ordered that Joseph K. Nichol, Esquire of Indianapolis, State of Indiana, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

186	The United States vs. Hance Lawson	Appellant. This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. Solicitor General Phillips of counsel for the appellant and by Mr. Jno. Scott Jr. for the appellee, under the 20th rule.

1105	The Woodbury Patent Planing Machine Co. vs. Allen K. Keith	Appellant. This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. C. C. Stout Mr. Charles H. Reed and Mr. J. A. L. Whittier of counsel for the appellant and by Mr. B. F. Thurston and Mr. David Hall Rice for the appellee, under the 20th rule.

1105	The Woodbury Patent Planing Machine Co. vs. Allen H. Keith — Appellant.	Mr. J. E. Hatch filed and submitted to the consideration of the Court, Statement

in opposition to submission of this case under the 20th rule.

1040	James H. Simmons vs. Plff. in Error. August Wagner —	This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. A. L. Knapp of counsel for the plaintiff in error and by Mr. Charles P. Wise for the defendant in error under the 20th rule.

162	George C. Ketchum et al. vs. Appellants. The County of St. Louis, Intervenor	The argument of this cause was continued by Mr. F. J. Bowman of

counsel for the appellee and concluded by Mr. J. C. Broadhead for the appellants, and submitted on printed arguments by Mr.

Leverett Bell and Mr. Britton C. Hill for the appellee.

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163 The Knickerbocker Life Insurance Company vs. Pltff. in Error
J. E. Schneider, Admr &c.

This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. Thomas J. Semmes of counsel for the plaintiff in error and by Mr. Joseph P. Hornor for the defendant in error.

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165 C. B. Childs et al Appellants. vs. The Marysville and Lexington R. R. Co.

Ordered by the Court that this cause be, and the same is hereby continued until the next term.

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166 The First National Bank of Carlisle, Pa. et al Plffs. in Error. vs. Fannie L. Graham

Ordered that this cause be passed on account of sickness of counsel.

	A. D. Juilliard, use &c.	Ordered that
168	vs. Plff. in Error.	this cause be,
	Beckman Remington	and the same
		is hereby con-

tinued until the next term of this Court.

	George H. Thomas et al.	Ordered that
169	vs. Plffs. in Error.	this cause be,
	The West Jersey R. R. Co.	and the same
		is hereby pass-

ed until tomorrow.

	Eben Newton et al.	This cause was ar-
170	vs. Plffs. in Error	gued by Mr. J. A.
	The Board of Comm'rs.	Garfield of counsel
	of Mahoning County.	for the plaintiffs
		in error and by

Mr. F. H. Sanderson for the defendant in error.

	The Houston & Great	Ordered that these
	Northern R. R. Co.	cases be, and the
171	vs. Plff. in Error.	same are hereby
	S. M. Swenson	continued until
172	and same vs. same.	the next term.

Thursday January 22nd 1880, continued.

	The Peoples Bank of Belleville	This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. Chas H. Thomas of counsel for the plaintiff in error, under the 20th rule.
873	vs. Plff. in Error.	
	The Manufacturers National Bank.	

	A. K. Wright et al	This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. Fillmore Beall and Mr. O. H. Lochrane of counsel for the plffs. in error and by Mr. J. Branham for the defendants in error under the 20th rule.
1095	vs. Plffs. in Error	
	George T. Nagle et al.	

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Friday January 23rd 1880.

Pursuant to adjournment the Court met today at the Capitol.

Present.

The Honorable Morrison R. Waite — Chief Jus.

Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan
— Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Tuesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Samuel Dickson, it is ordered that John H. Sloan, Esquire of Philadelphia, State of Pennsylvania, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. S. F. Bowman, it is ordered that Samuel C. Darling, Esquire of Boston, State of Massachusetts be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

1070 | Mahlon D. Crampton vs. Augustus Zabriskie et al. | Appellant. | This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. J. D. Bedle and Mr. F. T. Frelinghuysen of counsel for the appellant and Mr. J. R. Lippincott and Mr. Peter Bentley for the appellees, under the 20th rule, by leave granted.

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169 | George K. Thomas et al. vs. The West Jersey R. R. Co. | Plffs. in Error | This cause was argued by Mr. A. Sidney Biddle and Mr. George K. Biddle of counsel for the plaintiffs in error and by Mr. Samuel

Dickson for the defendant in error.
(Mr. Justice Bradley did not sit during the argument of this cause)

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760 The Chicago, Milwaukee & St. Paul Railway Co. vs. The United States. Appellant.

761 The United States vs. The Chicago, Milwaukee and St. Paul Railway Co. Appellant.

Mr. J. F. Farnsworth filed and submitted to the consideration of the Court motion to advance these cases.

Proclamation being made the Court is adjourned until Monday next at twelve o'clock.

Monday, January 26th 1880

Pursuant to adjournment the Court met today at the Capitol—

Present—

The Honorable Morrison R. Waite, Chief Jus.
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan
} Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Kesley Middleton, Clerk.

On motion first made to the Court in this behalf by Hon. Wm Pinkney Whyte, it is ordered that Thomas Hughes, Esquire of Baltimore, State of Maryland and Clarence Deringer, Esquire of Philadelphia, State of Pennsylvania, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Hon. Roscoe Conkling, it is

Monday January 26th 1880, Continued

ordered that Eugene Stevenson, Esquire of Paterson, State of New Jersey, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by B. H. Hill, Esquire, it is ordered that Frank H. Miller, Esquire of Augusta, State of Georgia, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. C. Broadhead, it is ordered that Liston McMillen, Esquire of Oskaloosa, State of Iowa, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. T. B. Reed, it is ordered that Albert S. Rice, Esquire of Rockland, State of Maine, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Enoch Totten, it is ordered that Frank H. Howe, Esquire of Washington, District of Columbia, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

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572 Monzo J. Phelps and Mary B. Phelps v. Plffs. in Error. } In Error to the Circuit Court of the United States for the Southern District of Mississippi.
J. C. C. Strader, E. J. Barnes, Frederick Dove, John Knapper, Ferdinand Fillem, Benjamin F. Ellington J. H. Denman, George C. Harris & Helen J. Harris.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of Mississippi and was argued by counsel. On consideration whereof, it is now here ordered and adjudged by this Court that the judgment of the said Circuit

Court in this cause be, and the same is hereby affirmed with costs.

per Mr. Justice Bradley.

Edward F. Northington and Isaac M. Northington as administrators of Elisha Northington, deceased; —

121 vs. Pltfs. in Error.

Martha F. Mason.

In Error to the Circuit Court of the United States for the Eastern District of Arkansas.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Arkansas and was argued by counsel. On consideration whereof, it is now here ordered and adjudged by this Court, that the judgment of the said Circuit Court in this cause be, and the same is hereby affirmed with costs and interest until paid at the same rate per annum that similar judgments bear in the Courts of the State of Arkansas.

per Mr. Justice Miller

Monday January 26th 1880, continued

John A. J. Cresswell, Robert Purvis & Robert H. T. Leipold, Commissioners of the Freedmans Savings & Trust Company —	Appeal from the Supreme Court of the District of Columbia.
113 vs. Appellants.	
Thomas M. Lanahan, Judson T. Cull and Juan Boyle.	

This cause came on to be heard on the transcript of the record from the Supreme Court of the District of Columbia and was argued by counsel. On consideration whereof, it is now here ordered, adjudged and decreed by this Court, that the decree of the said Supreme Court in this cause be, and the same is hereby affirmed with costs.

per Mr. Justice Swayne

John A. J. Cresswell et al. Commissioners of Freedmans Savings and Trust Co.	Appeal from the Supreme Court of the
152 vs. Appellants.	District of
Thomas M. Lanahan et al	Columbia.

This cause came on to be heard on the

transcript of the record from the Supreme Court of the District of Columbia and was argued by counsel. On consideration whereof, it is now here ordered, adjudged and decreed by this Court, that the decree of the said Supreme Court in this cause be, and the same is hereby affirmed with costs.

per Mr. Justice Swayne.

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17 The Bank of America vs. Virginia Banks and A. L. Banks.

Aff'm in Error.

In Error to the Circuit Court of the United States for the Southern District of Mississippi.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of Mississippi and was argued by counsel. On consideration whereof, it is now here ordered and adjudged by this Court, that the judgment of the said Circuit Court in this cause be, and the same is hereby affirmed with costs.

112	Alfred Marchand vs. Plff. in Error. Henry Krellsen —	On consideration of the motion to dismiss the writ of error in this cause or to affirm the judgment, it is now here ordered by the Court, that said motion be, and the same is hereby denied.

per Mr. Chief Justice Waite

760	The Chicago, Milwaukee and St. Paul Railway Co. vs. Appellant The United States	On consideration of the motion to advance these cases, it is ordered that said motion be, and the same is hereby denied.
	and	
761	The United States vs. Appellant The Chicago, Milwaukee and St. Paul Railway Co.	

1065	James N. Embry, Adm'r &c., vs. Plff. in Error. J. N. Stanton et al. —	The motion to dismiss this cause was submitted to the consideration of the Court on printed arguments by Mr. T. J. Durant and

Mr. C. H. Horner in support of the same and by Mr. E. Lander and Mr. A. L. Merriman in opposition thereto.

1103 Julian S. Rumsey vs. Joseph H. Demby. Appellant.

Mr. Enoch Totten filed and submitted to the consideration of the Court, motion to rescind the order docketing and dismissing this cause, entered on the 5th instant, and to reinstate the cause upon the docket.

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212 The Pacific Railroad of Missouri vs. George E. Ketchum et al. Appellant.

Mr. J. O. Broadhead called up motion to dismiss this appeal. Thereupon, it is ordered that said motion be, and the same is hereby postponed until the argument on the merits.

1.3 orig. The State of New Hampshire vs. The State of Louisiana. Complainant.

On motion of Mr. W. H. Beckham, leave is hereby granted

time to file bill in this cause.

	The State of New Hampshire	Mr. W. H. Peck-
13	orig'l vs. Complainant.	ham, of counsel
	The State of Louisiana	for the com-
		plainant,

moved the Court for an order directing sub-poenas to issue to the defendants in this cause. Whereupon, this Court not being now here sufficiently advised of, and concerning what order to render in the premises, took time to consider. Mr. Peckham also filed motion for temporary injunction in this cause.

	The State ex rel. Douglass	The re-argu-
	and Johnson-	ment of this
148	vs. Plffs. in Error	cause was
	Peter C. Gaillard, County	commenced
	Treasurer	by Mr. D. H.
		Chamberlain

of counsel for the plaintiffs in error, continued by Mr. W. S. De Saussure and Mr. L. T. Youmans for the defendant in error and concluded by Mr. Roscoe Conkling for the plaintiffs in error.

Proclamation being made the Court is adjourn

Tuesday January 27th 1880

Pursuant to adjournment the Court met today at the Capitol—

Present—

The Honorable Morrison R. Waite — Chief Justice

Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan
— Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened

On motion first made to the Court in this behalf by Mr. F. Carroll Brewster, it is ordered that Charles E. Morgan, Esquire of Philadelphia, State of Pennsylvania, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in

this behalf by Mr. J. H. Hackett, it is ordered that James Otis Hoyt, Esquire of Newyork City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. R. T. Merrick, it is ordered that Henry Risquith, Esquire of Annapolis, State of Maryland and William Chumasero, Esquire of Helena, Territory of Montana, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

23	Charles H. Kurtland vs. Plff in Error. L. L. Holchkiss —	On motion of Mr. R. T. Merrick, leave is hereby granted the Clerk to issue the mandate in this cause.

829	The Wilson Packing Co. et al Appellants. vs William B. Clapp —	On motion of Mr. R. T. Merrick and stipulation

of counsel for the respective parties on file, it is ordered that this cause be substituted for No. 296, and vice versa.

The Pacific Railroad of Missouri
242 vs. Appellant
George E. Ketchum et al.

On motion of Mr. N. A. Cowdrey, it is ordered that one hour additional time be granted each side in the argument of this cause. And on motion of Mr. George F. Edmunds, it is ordered that three counsel be allowed to argue for the appellees.

The Pacific Railroad of Missouri
242 vs. Appellant
George E. Ketchum et al.

The argument of this cause was commenced by Mr. N. A. Cowdrey of counsel for the appellant and continued by Mr. W. C. Day, Mr. G. F. Edmunds and Mr. James O. Broadhead for the appellees.

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Wednesday January 28th 1880

Pursuant to adjournment the Court met today at the Capitol.

Present.

The Honorable Morrison R. Waite — Chief Justice

Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan
— Associate Justices.

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. B. F. Thurston, it is ordered that John L. S. Roberts, Esquire of Boston, State of Massachusetts, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

Wednesday January 28th 1880, continued

2112	The Pacific Railroad of Missouri vs. Geo. E. Ketchum et al. Appellant	The argument of this cause was continued by Mr. J. O. Broadhead of counsel for the appellees and concluded by Mr. Matt. H. Carpenter for the appellants.

1711	E. C. Litchfield, vs. The County of Hamilton et al. Plff. in Error.	This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. Geo. G. Wright of counsel for the plaintiff in error and by Mr. D. D. Chase for the defendants in error.

175	Edward H. Wilson, vs. Chas. R. Stone et al Exrs. Plff. in Error.	The motion of Mr. F. H. Miller to dismiss this cause was argued by him in support of the same and by Mr. C. K. Nesbit in opposition thereto.

Wednesday January 28th 1880, continued.

175	Edward H. Wilson, Plff. in Error vs. Chas. R. Stone et al. Exors	Ordered that this cause be passed for the present.

201	James F. McGuire, Plff. in Error vs. Bessie M. Quinton Corwine, Exors. &c.	(Substituted for No 196) The argument of this cause was commenced by Mr. F. P. Stanton of counsel for the Plff. in error.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Thursday January 29th 1880.

Pursuant to adjournment the Court met to-day at the Capitol -

Present -

The Honorable Morrison R. Waite Chief Jus.
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan
Associate Justices.

John G. Nicolay, Esquire, Marshal
Daniel Kesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. F. Carroll Brewster, it is ordered that William Nelson Nash, Esquire of Philadelphia, State of Pennsylvania, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. E. G. Lapham, it is ordered

that Charles E. Shepard, Esquire of Fon du Lac, State of Wisconsin, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

119	John Bennett vs. Plff. in Error The Louisville and Nashville R.R. Co.	Mr Walter Evans suggested the death of John Bennett, the plaintiff in error in this cause and moved the Court for leave to enter the appearance of Martha J. Bennett, Administratrix of John Bennett, deceased, as plaintiff in error in this cause. Whereupon, it is ordered that Martha J. Bennett, Administratrix of John Bennett, deceased as aforesaid be entered as the plaintiff in error in this cause

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13 orig'l	The State of New Hampshire vs. The State of Louisiana	Complainant. On consideration of the motion of Mr. W. H. Peckham of counsel for complainant, it is ordered that subpoenas issue to the defendants in this cause, returnable on the third

Thursday January 29th 1880, continued.

Monday in April next.

201	James F. Meguire vs. Plff. in Error. Bessie M. and Quinton Corwine, Exers. &c.	(Substituted for No. 176) The argument of this cause was continued by Mr. F. P. Stanton of counsel for the

plaintiff in error, by Mr. Enoch Totten for the defendant in error and concluded by Mr. Stanton for the plaintiff in error. (Mr. Justice Strong did not sit during the argument of this cause.)

177	The Union Passenger Railway Company vs. Plff. in Error. The City of Philadelphia	The argument of this cause was commenced by Mr. David R. Sellers of counsel for the

plaintiff in error, continued by Mr. W. A. Forest and Mr. Chas. E. Morgan of counsel for the defendant in error, and concluded by Mr. R. Carroll Brewster for the plaintiff in error.

178	Richard A Gilghman vs. Appellant William Prator et al.	Ordered that this cause be and the same is hereby continued until the next term.

180	James M. Sanford vs. Plff. in Error Andrew L. Moeller.	In Error to the Supreme Court of the Territory of Arizona.

This cause came on to be heard on the transcript of the record from the Supreme Court of the Territory of Arizona and on the motion of Mr. James Lowndes of counsel for the plaintiff in error, it is now here ordered and adjudged by this Court, that the writ of error in this cause, be, and the same is hereby dismissed with costs.

Per Mr. Chief Justice Waite.

Proclamation being made the Court is adjourned until Monday next at twelve o'clock.

Monday February 2nd 1880

Pursuant to adjournment the Court met today at the Capitol —

Present —

The Honorable Morrison R. Waite — Chief-Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field — Associate Justices
William Strong
Joseph P. Bradley
John M. Harlan

John G. Nicolay, Esquire, Marshal
Daniel Kesley Middleton, Clerk

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Phillips, it is ordered that C. M. McLoud, Esquire of Asheville, State of North Carolina, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

Monday February 2nd 1846, Continued.

On motion first made to the Court in this behalf by Mrs. Belva A. Lockwood, it is ordered that Samuel R. Lowery, Esquire of Huntsville, State of Alabama, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Attorney General Devens, it is ordered that Charles Theodore Russell, junior, of Boston, State of Massachusetts, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. S. D. Henkle, it is ordered that Joel Parker, Esquire of Freehold, State of New Jersey, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

Ex parte: The Denver and Rio Grande Railway Co.
10 original Petitioner

On consideration of the petition for a writ of Mandamus in this cause, it is ordered that said petition be, and the same is hereby denied.

per Mr. Justice Harlan

Dissenting:
Mr. Jus. Field
" " Swayne
" " Bradley

Wells W. Leggett and Leverett L. Leggett
155 vs. Appellants.
Benjamin F. Avery, Saml Avery & Co. Avery.

Appeal from the Circuit Court of the United States for the District of Kentucky.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Kentucky and was argued by counsel. On consideration whereof, it is

now here ordered, adjudged and decreed by this Court, that the decree of the said Circuit Court in this cause, be, and the same is hereby affirmed with costs.

per Mr. Justice Bradley.

(Mr. Justice Harlan did not sit in this cause)

16	Neal Dow, vs. Plff. in Error. Bradish Johnson	In Error to the Circuit Court of the United States for the District of Maine.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Maine and was argued by counsel. On consideration whereof, it is now here ordered and adjudged by this Court, that the judgment of the said Circuit Court in this cause, be, and the same is hereby reversed with costs. And that this cause, be, and the same is hereby remanded to the said Circuit Court, with directions to enter final judgment for the defendant on the demurrer to the replications.

(over)

Monday February 2nd 1880, continued

per Mr. Justice Field

Dissenting:
Mr. Jus. Clifford
" " Miller

	The Michigan Central Railroad Company.	In Error to the Circuit Court of the United States for the District of Massachusetts.
124	vs. Pff. in Error.	
	Charles F. Slack, Collector of Internal Revenue.	

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Massachusetts and was argued by counsel. On consideration whereof, it is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause, be, and the same is hereby affirmed with costs.

per Mr. Justice Miller

Monday February 2nd 1880 continued.

	The International Bank and Berthold Loewenthal	Appeals from the Circuit Court of the United States for the Northern District of Illinois.
9/2	vs. Appellants.	
	Hoyt Sherman, Assignee in bankruptcy of Benjamin F. Allen and William Kiesling.	
10/2	vs. Appellant.	
	Hoyt Sherman, Assignee in bankruptcy of Benjamin F. Allen et al.	

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Northern District of Illinois on appeal and cross appeal and was argued by counsel. On consideration whereof, It is now here ordered, adjudged and decreed by this Court that the decree of the said Circuit Court in this cause, be, and the same is hereby affirmed with costs.

per Mr. Justice Swayne.

886	The United States vs. Hance Lawson —	Appeal from the Court of Claims.

This cause came on to be heard on the transcript of the record from the Court of Claims and was argued by counsel — On consideration whereof, it is now here ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause, be, and the same is hereby affirmed —

per Mr. Justice Clifford

884	The United States vs. Timothy E. Ellsworth.	Appeal from the Court of Claims. —

This cause came on to be heard on the transcript of the record from the Court of Claims and was argued by counsel — On consideration whereof, it is now here ordered and adjudged by this Court, that the judgment of the said Court of Claims in this cause, be, and the same is hereby af-

firmed—

per Mr. Justice Clifford.

	B. D. Dauterive et al	Appeal from the
149	vs. Appellants.	District Court of
	The United States—	the United States
		for the District

of Louisiana—

This cause came on to be heard on the transcript of the record from the District Court of the United States for the District of Louisiana and was argued by counsel— On consideration whereof, It is now here ordered, adjudged and decreed by this Court, that the decree of the said District Court in this cause, be, and the same is hereby affirmed.

per Mr. Justice Clifford.

	Harvey Terry	In Error to the Cir-
151	vs. Plff. in Error.	cuit Court of the
	B. F. Little and	United States for
	John T. Little.	the District of

North Carolina.—

Monday February 2nd 1880, continued.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of North Carolina and was argued by counsel. On consideration whereof, it is now here ordered and adjudged by this Court, that the judgment of the said Circuit Court in this cause, be, and the same is hereby affirmed with costs.

per Mr. Chief Justice Waite.

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153 The United States vs. Appellant. / Sanford Perryman. | Appeal from the Court of Claims.

This cause came on to be heard on the transcript of the record from the Court of Claims and was argued by counsel. On consideration whereof, it is now here ordered and adjudged by this Court, that the judgment of the said Court of Claims in this cause, be, and the same is hereby reversed. And that this cause, be, and the same is hereby remanded to the said Court of Claims with directions to dismiss the petition.

per Mr. Chief Justice Waite.

Monday February 2nd 1880, Continued.

641 The Colorado Central Railroad Company. vs. Plff. in Error. Asher C. White, Administrator of Simon White, deceased, lately doing business under the firm name and style of A. C. White & Co.

In Error to the Circuit Court of the United States for the District of Colorado.—

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Colorado and was argued by counsel— On consideration whereof, it is now here ordered and adjudged by this Court, that the writ of error in this cause, be, and the same is hereby dismissed with costs.

Per Mr. Chief Justice Waite.

929 Stephen Duncan vs. William Segan, Elam Bowman, Barbara D. Bowman John Smyth and Rebecca M. his wife. — Appellant. | Appeal from the Circuit Court of the United States for the District of Louisiana. —

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Louisiana and was argued by counsel On consideration whereof, it is now here ordered, adjudged and decreed by this Court, that the decree of the said Circuit Court in this cause, be, and the same is hereby affirmed with costs.

per Mr. Chief Justice Waite.

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784 Oscar H. Butterfield and Andrew J. Butterfield vs. Mary C. Smith, administratrix de bonis non &c. of Julius C. Wright, deceased. — Appellants. | Appeal from the Circuit Court of the United States for the District of Kansas. —

Monday February 2nd 1880, continued.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Kansas, and was argued by counsel. On consideration whereof, it is now here ordered, adjudged and decreed by this Court, that the decree of the said Circuit Court in this cause, be, and the same is hereby affirmed with costs.

per Mr. Chief Justice Waite

1029 Joseph M. French, Plff. in Error. vs. Margaret C. Wade, widow of the late Henry F. Wade, junior, natural tutrix of her minor children Philip D. Wade et al.

In Error to the Circuit Court of the United States for the District of Louisiana.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Louisiana and was argued by counsel. On consideration whereof, it is now here ordered and adjudged by this Court, that

the judgment of the said Circuit Court in this cause, be, and the same is hereby affirmed with costs.

per Mr. Chief Justice Waite.

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711 The School District No 56 of Richardson County — vs. Plff. in Error. The St. Joseph Fire & Marine Insurance Company.

Ordered by the Court, that the order submitting this case under the 20th rule be stricken out and that the case be restored to the calendar for argument when reached.

1065 James H. Embry, admr &c. vs. Plff. in Error. J. H. Stanton et al. —

On consideration of the motion to dismiss this cause, it is ordered that said motion, be, and the same is hereby denied.

per Mr. Chief Justice Waite.

1103 Julian S. Rumsey, Appellant. vs. Joseph K. Demby. | On consideration of the motion to rescind the order docketing and dismissing this cause, it is ordered that the order entered on the 5th of January, docketing and dismissing this cause, be, and the same is hereby rescinded and annulled: And that the appellant have leave to file the record and docket this cause upon payment of costs.

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829 The Wilson Packing Co. et al. Appellants. vs. William B. Clapp. | Ordered that the order entered on the 27th January, substituting this cause for argument in place of No 296, be rescinded.

Order

Ordered that in all cases decided prior to the first day of January, where no petition for rehearing is pending, the mandate may issue after this date when applied for.

	The United States		Mr. J. H. Hagerman filed and submitted to the consideration of the Court, motion to substitute the assignee in bankruptcy in this cause in place of Helen A. Peck, Administratrix.
788	vs.	Appellant.	
	Helen A. Peck, Administratrix of Campbell K. Peck, deceased		
	and		
	Helen A. Peck, Admx. of Campbell K. Peck, deceased		
789	vs.	Appellant.	
	The United States		

	The Township of Empire,		On motion of Mr. W. H. Springer, leave is hereby granted him to file additional authorities in behalf of dependant in error in this cause.
1097	vs.	Pff. in Error.	
	Smedley Darlington		

	Leonidas Whiteside et al.		Mr. Shellabarger filed motion to rescind the order of November 11th, 1879, dismissing this cause and to reinstate same upon the docket.
66	vs.	Appellants.	
	Elvira J. Whiteside		

13 orig'l

The State of New Hampshire, Complainant
vs
The State of Louisiana et al.

On motion of Mr. H. C. McKenney, leave is hereby granted him to withdraw motion for temporary injunction filed in this cause on the 26th of January, and to file new motion.

1049

E. S. Jaffray & Co. et al. Appellants
vs
McBride, Snowden & Violett et al.

Mr. H. C. McKenney moved the Court to rescind the order entered on the sixth of November, docketing and dismissing this appeal, and for leave to reinstate the cause upon the docket. Whereupon, it is ordered that the order of the 6th of November last, docketing and dismissing this appeal, be, and the same is hereby rescinded and annulled. And that the appellants have leave to file the record and have their cause docketed in conformity to the rules of this Court, upon payment of costs.

Per Mr. Chief Justice Waite.

	The U.S. ex rel. Thomas McBride	Mr. F. H. Smith filed and submitted to the consideration of the Court, motion to advance this cause and assign the same for argument at the next term.
1080	vs. Plff. in Error.	
	Carl Schurz, Secretary of the Interior. —	

	Jerome B. Pollard,	On motion of Mr. Enoch Totten, leave is hereby granted the Clerk to issue
1110	vs. Plff. in Error.	
	The New Jersey Railroad and Transportation Co.	the mandate in this cause.

	The United States	On motion of Mr. Douglass, leave is hereby granted the Clerk to issue the
1154	vs. Appellant.	
	Timothy E. Ellsworth	mandate in this cause.

203	Berthold Lowenthal, Plff in Error. vs. The Northwestern National Bank of Chicago.	In Error to the Circuit Court of the United States for the Northern District of Illinois.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Northern District of Illinois and on the stipulation of counsel on file and on motion of Mr. Fillmore Beall in behalf of counsel, it is now here ordered and adjudged by this Court, that the writ of error in this cause, be, and the same is hereby dismissed with costs.

per Mr. Chief Justice Waite.

540	Jerubbabel Snow, Appellant. vs. L. E. Doane et al.	Appeal from the Supreme Court of the Territory of Utah.

This cause came on to be heard on the transcript of the record from the Supreme Court of the Territory of Utah and on the stipulation of counsel on file

and motion of Mr. Fillmore Beall in behalf of counsel, it is now here ordered, adjudged and decreed by this Court, that the decree of the said Supreme Court in this cause, be, and the same is hereby affirmed with costs to be paid by appellant—

per Mr. Chief Justice Waite.

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540 Jerrubbabel Snow, appellant, vs. L. E. Doane et al. | On motion of Mr. Fillmore Beall, leave is hereby granted the Clerk to issue the mandate in this cause.

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591 The Pennsylvania Fare Enumerator and Classifier Company—appellant vs. The Metropolitan Railroad Co. | Appeal from the Circuit Court of the United States for the District of Massachusetts.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Massachusetts and on the stipulation

of counsel on file and motion of Mr. Fillmore Beall in behalf of counsel, it is now here ordered, adjudged and decreed by this Court, that this appeal be, and the same is hereby dismissed Each party paying their own costs.

per Mr. Chief Justice Waite.

Proclamation being made the Court is adjourned until Monday, March 1st 1880, at twelve o'clock.

Monday March 1st 1880.

Pursuant to adjournment the Court met today at the Capitol -

Present -

The Honorable Morrison R. Waite — Chief Jus.

Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan

} Associate Justices.

John F. Nicolay, Esquire, Marshal
Daniel Kesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr Attorney General Devens, it is ordered that Levi C. Wade, Esquire of Boston, State of Massachusetts, Leon Abbett, Esquire of New York City and George K. Chase, Esquire of Washington City, District of Columbia, be admitted to practice as attorneys and counsellors of this Court and they were sworn accord-

ingly.

S. M. Yates, & M. Wood and M. McKnight as Yates, Wood and McKnight, Plffs. in Error vs. James L. Woodlee, Exer. of R. C. Brinkley, decd.	In Error to the Supreme Court of the State of Tennessee.

96

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Tennessee and was argued by counsel. On consideration whereof, It is now here ordered, adjudged and decreed by this Court, that the decree of the said Supreme Court in this cause, be, and the same is hereby reversed with costs. And that this cause, be, and the same is hereby remanded to the said Supreme Court, with instructions to enter or to cause to be entered in the proper Court, a decree with perpetual injunction in accordance with the opinion of this Court.

per Mr. Justice Harlan.

	The Northwestern Union Packet Company. —	In Error to the Circuit Court of the United States for the Eastern District of Missouri.
110	vs. Plff. in Error.	
	The City of St. Louis.	

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Missouri and was argued by counsel. On consideration whereof, it is now here ordered and adjudged by this Court, that the judgment of the said Circuit Court in this cause, be, and the same is hereby affirmed with costs.

per Mr. Justice Harlan.

	The Mayor and Aldermen, of the City of Vicksburg,	In Error to the Circuit Court of the United States for the Southern District of Mississippi.
118	vs. Plffs. in Error.	
	John H. Tobin & Mary Tobin.	

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of Mississippi and was argued by counsel. On consideration whereof, it is now here ordered and adjudged by this Court, that the judgment of the said Circuit Court in this cause, be, and the same is hereby reversed with costs. And that this cause, be, and the same is hereby remanded to the said Circuit Court, with directions to render judgment for the City upon the special verdict of the jury.

Per Mr. Justice Harlan.

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325 The American & Foreign Christian Union— vs. Matilda Yount, Amanda Hendricks, Angeline Newell and Alfred Griffith— Appellant. Appeal from the Circuit Court of the United States for the Southern District of Illinois.

This cause came on to be heard on the

transcript of the record from the Circuit Court of the United States for the Southern District of Illinois and was argued by counsel. On consideration whereof, it is now here ordered, adjudged and decreed by this Court, that the decree of the said Circuit Court in this cause, be, and the same is hereby reversed with costs: And that this cause, be, and the same is hereby remanded to the said Circuit Court, with directions to over-rule the demurrer to the cross-bill and the exceptions to the answer and for such further proceedings as may be consistent with the opinion

per Mr. Justice Harlan.

1097 The Township of Empire, Plff. in Error, vs. Smedley Darlington. | In Error to the Circuit Court of the United States for the Southern District of Illinois.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the South-

ern District of Illinois and was argued by counsel On consideration whereof, it is now here ordered and adjudged by this Court, that the judgment of the said Circuit Court in this cause, be, and the same is hereby affirmed with costs and interest until paid, at the same rate per annum that similar judgments bear in the Courts of the State of Illinois,—

per Mr Justice Harlan

	The Town of Roberts	In Error to the
146	vs. Pltff in Error.	Circuit Court of
	Matthew Dolles and	the United States
	W. Shepard Dolles.	for the Northern
		District of Illi-

nois—

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Northern District of Illinois and was argued by counsel— On consideration whereof, it is now here ordered and adjudged by this Court, that the judgment of the said

Circuit Court in this cause, be, and the same is hereby affirmed with costs and interest until paid, at the rate per annum that similar judgments bear in the Courts of the State of Illinois—

Per Mr. Justice Harlan.

Richard Montgomery and John S. Lang & Jonathan Ogden as Lang and Ogden,		Appeal from the Circuit Court of the United States for the District of Louisiana—
1016 vs.	Appellants.	
Silas H. Sawyer. —		

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Louisiana and was argued by counsel— On consideration whereof, it is now here ordered, adjudged and decreed by this Court, that the decree of the said Circuit Court in this cause, be, and the same is hereby reversed with costs. And that this cause, be, and the same is hereby remanded to

the said Circuit Court, with directions to dismiss the bill of complaint.

per Mr. Justice Bradley.

The Central Trust Company of New York, Receiver of the New York State Loan and Trust Company, Appellant. vs. The First National Bank of Kiyandotte, Kansas. — Appeal from the Circuit Court of the United States for the Northern District of Illinois. —

270

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Northern District of Illinois and was argued by counsel — On consideration whereof, it is now here ordered, adjudged and decreed by this Court, that the decree of the said Circuit Court in this cause, be, and the same is hereby affirmed with costs. —

per Mr. Justice Strong.

Monday March 1st 1880, continued.

	Ozias M. Hatch and John Williams	Appeal from the Circuit Court of the United States for the Southern District of Illinois.
1059	vs Appellants.	
	Charles A. Dana.	

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of Illinois and was argued by counsel. On consideration whereof, it is now here ordered, adjudged and decreed by this Court, that the decree of the said Circuit Court in this cause, be, and the same is hereby affirmed with costs and interest, until paid, at the same rate per annum that similar judgments bear in the Courts of the State of Illinois.

per Mr. Justice Strong.

157 Hugh Shaw and David Reese Esrey, Appts. in Error. vs. The Merchants National Bank of St. Louis. | In Error to the Circuit Court of the United States for the Eastern District of Pennsylvania.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Pennsylvania and was argued by counsel. On consideration whereof, it is now here ordered and adjudged by this Court, that the judgment of the said Circuit Court in this cause, be, and the same is hereby affirmed with costs and interest, until paid, at the same rate per annum that similar judgments bear in the Courts of the State of Pennsylvania.

per Mr. Justice Strong.

Monday March 1st 1880, continued.

153 Taylor Strauder, vs. The State of West Virginia. | In Error to the Supreme Court of Appeals of the State of West Virginia.

This cause came on to be heard on the transcript of the record from the Supreme Court of Appeals of the State of West Virginia and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court, that the judgment of the said Supreme Court of Appeals in this cause, be, and the same is hereby reversed with costs. And that this cause, be, and the same is hereby remanded to the said Court, with instructions to reverse the judgment of the Circuit Court of Ohio County.

per Mr. Justice Strong.

Dissenting:
Mr. Justice Field
" " Clifford

Monday March 1st 1880, continued.

Ex parte: In the matter of the Commonwealth of Virginia Petitioner.		Petition for Mandamus.
3 original.		

This cause came on to be heard on the petition and return to rule and was argued by counsel. On consideration whereof, it is now here ordered by this Court, that a writ of peremptory mandamus issue from this Court, directed to the Honorable Alexander Rives, Judge of the District Court of the United States for the Western District of Virginia, requiring and commanding him to cause to be delivered by the Marshal of said District, to the Jailor of Patrick County, Virginia, the bodies of Lee Reynolds and Burwell Reynolds, to be dealt with according to the laws of the State of Virginia.

per Mr. Justice Strong

Ex parte: In the matter of the Commonwealth of Virginia and J. D. Coles Petitioners.

11 original

On consideration of the petition for a writ of Habeas Corpus

in this cause, it is ordered that said petition, be, and the same is hereby denied

per Mr. Justice Strong.

Dissenting:
Mr. Justice Field
" " Clifford

The State of Tennessee Plaintiff

720 vs.

James M. Davis

On a certificate of division in opinion between the Judges of the Circuit Court of the United States for the Middle District of Tennessee.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Middle District of Tennessee and on the points or questions on which the Judges of the said Circuit Court were opposed in opinion and

which were certified to this Court for its opinion, agreeably to the Act of Congress in such case made and provided, and was argued by counsel - On consideration whereof, it is the opinion of this Court, that the first and third questions certified, be answered in the affirmative and the second question as in the opinion -

Whereupon, it is now here ordered and adjudged by this Court, that it be so certified to the said Circuit Court

per Mr. Justice Strong

Dissenting:
Mr. Justice Clifford
" " Field.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Tuesday March 2nd 1880

Pursuant to adjournment the Court met today at the Capitol—

Present—

The Honorable Morrison R. Waite Chief Jus.
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan
Associate Justices

John G. Nicolay, Esquire, Marshal
David Wesley Middleton, Clerk

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Philip Phillips, it is ordered that David Wagner, Esquire of St Louis, State of Missouri; C. S. Terrell Esquire of Austin, State of Texas and W. T. Sanders, Esquire of Helena, Territory of Montana, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Shellabarger, it is ordered that Thomas J. Pringle Esquire, of Springfield, State of Ohio, and D. C. Hollingsworth Esquire, of Cadiz, State of Ohio, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Van Voorhis, it is ordered that S. B. Newcomb Esquire, Las Cruces, Territory of New Mexico, be admitted to practice as an attorney and counseller of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. H. H. Smith, it is ordered that Edward R. Taylor, Esquire, of San Francisco, State of California, be admitted to practice as an attorney and counseller of this Court and he was sworn accordingly.

Ex parte. In the matter of
the Commonwealth of
Virginia
3 original — Petitioner.

Mr. Justice Field delivered a separate opinion in this cause.—
Mr. Justice Clifford concurring.

Stephen E. Jones, assignee in bankruptcy of Charles H. Clifton.—
695 vs. Appellant.
Charles H. Clifton and Nannie H. McK. Clifton.

Appeal from the Circuit Court of the United States for the District of Kentucky.—

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Kentucky and was argued by counsel— On consideration whereof, it is now here ordered, adjudged and decreed by this Court, that the decree of the said Circuit Court in this cause, be, and the same is hereby affirmed with costs.

Per Mr. Justice Field.

The People of the State of New York ex rel. Chauncey F. Williams

19 vs. Plff. in Error.

William J. Keaver, Edward Brennan, and Robert H. Keir, constituting the Board of Assessors of the City of Albany.—

In Error to the Court of Appeals of the State of New York.

This cause came on to be heard on the transcript of the record from the Court of Appeals of the State of New York and was argued by counsel. On consideration whereof, it is now here ordered and adjudged by this Court, that the judgment of the said Court of Appeals in this cause, be, and the same is hereby reversed with costs: And that this cause, be, and the same is hereby remanded to the said Court for further proceedings to be had therein in conformity with the opinion of this Court

per Mr. Justice Miller.

693 Chauncey P. Williams Plff. in Error
vs.
William J. Skinner,
Edward Brennan,
Robert H. Weir.

In Error to the Court of Appeals of the State of New York.

This cause came on to be heard on the transcript of the record from the Court of Appeals of the State of New York and was argued by counsel. On consideration whereof, it is now here ordered and adjudged by this Court, that the judgment of the said Court of Appeals in this cause, be, and the same is hereby affirmed with costs.

per Mr. Justice Miller.

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563 William Cummings Treasurer of Lucas County
vs.
The Merchants National Bank of Toledo. Appellant.

Appeal from the Circuit Court of the United States for the Northern District of Ohio.

This cause came on to be heard on the transcript of the record from the Circuit

Court of the United States for the Northern District of Ohio and was argued by counsel. On consideration whereof, it is now here ordered, adjudged and decreed by this Court, that the decree of the said Circuit Court in this cause, be, and the same is hereby affirmed with costs.

per Mr. Justice Miller.

Dissenting:
Mr. Chief Jus. Waite

Frederick K. Pelton
Treasurer of Cuyahoga
County, Ohio,
827 vs. Appellant
The Commercial Na-
tional Bank of Cleve-
land.

Appeal from
the Circuit
Court of the
United States
for the North-
ern District
of Ohio.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Northern District of Ohio and was argued by counsel. On consideration whereof, it is now here ordered, adjudged

and decreed by this Court, that the decree of the said Circuit Court in this cause, be, and the same is hereby affirmed with costs.

per Mr. Justice Miller.

Dissenting:
Mr. Chief Jus. Waite

	The National Savings Bank of the District of Columbia, et al.	Appeal from the Supreme Court of the District of Columbia.
161	vs. Appellants.	
	John C. J. Cresswell, et al. Commissioners of the Freedmans Savings & Trust Co.	

This cause came on to be heard on the transcript of the record from the Supreme Court of the District of Columbia and was argued by counsel. On consideration whereof, it is now here ordered, adjudged and decreed by this Court, that the decree of the said Supreme Court in this cause, be, and the same is hereby affirmed with costs.

per Mr. Justice Miller.

	Mary P. Collins, Administratrix of Napoleon Collins, deceased,	Appeal from the Supreme Court of the District of Columbia.
92	vs. Appellant.	
	The Steamer Florida, her tackle, &c..	

This cause came on to be heard on the transcript of the record from the Supreme Court of the District of Columbia and was argued by counsel. On consideration whereof, it is now here ordered, adjudged and decreed by this Court, that the decree of the said Supreme Court in this cause, be, and the same is hereby affirmed with costs.

per Mr. Justice Swayne.

	Eben Newton et al.	In Error to the
170	vs. Plffs in Error.	Supreme Court
	The Board of County Commissioners of Mahoning County, Ohio.	of the State of Ohio.

This cause came on to be heard on the

transcript of the record from the Supreme Court of the State of Ohio and was argued by counsel. On consideration whereof, it is now here ordered, and adjudged by this Court, that the judgment of the said Supreme Court in this cause, be, and the same is hereby affirmed with costs.

per Mr. Justice Swayne.

The Peoples Bank of Belleville,		In Error to the Circuit Court of the United States for the Northern District of Illinois
173	vs. Plff. in Error.	
The Manufacturers National Bank of Chicago.		

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Northern District of Illinois and was argued by counsel. On consideration whereof, it is now here ordered and adjudged by this Court, that the judgment of the said Circuit Court in this cause, be, and the same is

hereby reversed with costs: And that this cause, be, and the same is hereby remanded to the said Circuit Court, with directions to enter judgment in favor of the plaintiff in error.—

per Mr. Justice Swayne.

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201 James F. Meguire, Plff. in Error. vs. Dessie M. Corwine and Quinton Corwine, Executrix & Executor of Richard M. Corwine, deceased. In Error to the Supreme Court of the District of Columbia.—

This cause came on to be heard on the transcript of the record from the Supreme Court of the District of Columbia and was argued by counsel— On consideration whereof, it is now here ordered and adjudged by this Court, that the judgment of the said Supreme Court in this cause, be, and the same is hereby affirmed with costs.—

per Mr. Justice Swayne.

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177 The Union Passenger Railway Company, Plff. in Error. vs. The City of Philadelphia — | In Error to the Supreme Court of the State of Pennsylvania.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Pennsylvania and was argued by counsel — On consideration whereof, it is now here ordered and adjudged by this Court, that the judgment of the said Supreme Court in this cause, be, and the same is hereby affirmed with costs. —

per Mr. Justice Clifford.

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499 Frank T. Case, Receiver of the Crescent National Bank Plff. in Error. vs. The Citizens Bank of Louisiana | In Error to the Circuit Court of the United States for the District of Louisiana. —

Tuesday March 2nd 1880, continued.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Louisiana and was argued by counsel — On consideration whereof, it is now here ordered and adjudged by this Court, that the judgment of the said Circuit Court in this cause be, and the same is hereby affirmed with costs and interest until paid at the same rate per annum, that similar judgments bear in the Courts of the State of Louisiana. —

per Mr. Justice Clifford

The Town of Mount Pleasant and the Town of Caledonia Appellants.
39 vs.
Charles Beckwith —

Appeal from the Circuit Court of the United States for the Eastern District of Wisconsin. —

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the

Eastern District of Wisconsin and was argued by counsel — On consideration whereof, it is now here ordered, adjudged and decreed by this Court, that the decree of the said Circuit Court in this cause, be, and the same is hereby affirmed with costs and interest, until paid, at the same rate per annum, that similar decrees bear in the Courts of the State of Wisconsin. —

per Mr. Justice Clifford.

Dissenting:
Mr. Justice Miller
" " Field
" " Bradley

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283 The Town of Mount Pleasant and the Town of Caledonia, Appellants vs. William H. Cornell and L. C. Strong, as Executors of the last will and testament of Latham Cornell, deceased. — Appeal from the Circuit Court of the United States for the Eastern District of Wisconsin. —

Tuesday March 2nd 1880, continued.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Wisconsin and was argued by counsel. On consideration whereof, it is now here ordered, adjudged and decreed by this Court, that the decree of the said Circuit Court in this cause, be, and the same is hereby affirmed with costs and interest, until paid, at the same rate per annum that similar decrees bear in the Courts of the State of Wisconsin. —

per Mr. Justice Clifford.

Dissenting:
Mr. Justice Miller
" " Field
" " Bradley

104 William D. Wolsey et al. and the State of Iowa, vs. Richard B. Chapman. Appellants. | Appeal from the Circuit Court of the United States for the District of Iowa.

This cause came on to be heard on the

Tuesday March 2nd 1880, continued

transcript of the record from the Circuit Court of the United States for the District of Iowa, and was argued by counsel. On consideration whereof, it is now here ordered, adjudged and decreed by this Court, that the decree of the said Circuit Court in this cause, be, and the same is hereby affirmed with costs.—

per Mr. Chief Justice Waite.

	Augustus R. Wright and Alfred Shorter,	In Error to the Supreme Court of the State of Georgia.—
1098	vs. Plffs. in Error.	
	George W. Nagle, Daniel Adams, Hines Smith as trus for his wife & Hugh L. Cothran.	

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Georgia and was argued by counsel. On consideration whereof, it is now here ordered, adjudged and decreed by this Court, that the decree of the said Supreme Court in this cause, be, and the same is hereby affirm-

ed with costs.

per Mr. Chief Justice Waite.

1016	James H. Simmons vs. Plff. in Error. August Wagner.	In Error to the Circuit Court of the United States for the Southern District of Illinois.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of Illinois and was argued by counsel. On consideration whereof, it is now here ordered and adjudged by this Court, that the judgment of the said Circuit Court in this cause, be, and the same is hereby affirmed with costs.

per Mr. Chief Justice Waite.

Tuesday March 2nd 1880, continued.

163 The Knickerbocker Life Insurance Company, vs. Plff. in Error. Jules E. Schneider, Administrator of C. Schneider, Mrs. L. M. Schneider and A. Zuberbier.

In Error to the Circuit Court of the United States for the District of Louisiana.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Louisiana and was argued by counsel. On consideration whereof, it is now here ordered and adjudged by this Court, that the judgment of the said Circuit Court in this cause, be, and the same is hereby affirmed with costs and one thousand dollars damages, in addition ~~in addition~~ to interest from the date of the judgment below until paid, at the same rate per annum that similar judgments bearing in the Courts of the State of Louisiana.

per Mr. Chief Justice Waite.

	William Woodfolk, William W. Woodfolk and James Brown,	Appeal from the Circuit Court of the United States for the Eastern District
943	vs. Appellants.	
	James C. Seddon.	

of Arkansas.—

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Arkansas and was argued by counsel. On consideration whereof, it is now here ordered, adjudged and decreed by this Court, that the decree of the said Circuit Court in this cause, be, and the same is hereby affirmed with costs.—

per Mr. Chief Justice Waite.

	The United States	Appeal from the
880	vs. Appellant.	Court of Claims.
	Catharine Thrush & William D. Stone.	

This cause came on to be heard on the

transcript of the record from the Court of Claims and was argued by counsel. On consideration whereof, the Court being equally divided in opinion, it is now here ordered and adjudged by this Court, that the judgment of the said Court of Claims in this cause, be, and the same is hereby affirmed.

1030 George Leslie, vs. Pltf. in Error. The Town of Urbana. | In Error to the Circuit Court of the United States for the Southern District of Illinois.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of Illinois and was argued by counsel. On consideration whereof, the Court being equally divided in opinion, it is now here ordered and adjudged by this Court, that the judgment of the said Circuit Court in this cause, be, and the same is hereby affirmed with costs.

Tuesday March 2nd 1880, continued:

The State of South Carolina ex rel. Douglass & Jackson Plffs. in Error.	In Error to the Supreme Court of the State of South Carolina.
748 vs.	
Peter C. Gaillard, County Treasurer of Charleston County, State of South Carolina.	

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of South Carolina and was argued by counsel. On consideration whereof, the Court being equally divided in opinion, it is now here ordered and adjudged by this Court, that the judgment of the said Supreme Court in this cause, be, and the same is hereby affirmed with costs.

The New Orleans National Banking Association, Appellant.	Appeal from the Circuit Court of the United States for the District of Louisiana.
940 vs.	
The New Orleans Mutual Insurance Association (now the New Orleans Insurance Association) and Mrs. Jessie Leiby, testamentary executrix	

Tuesday March 2nd 1880, continued.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Louisiana and was argued by counsel — On consideration whereof, it is now here ordered, adjudged and decreed by this Court, that this appeal, be, and the same is hereby dismissed for the want of jurisdiction. —

per Mr. Chief Justice Waite.

N. C. T. Knight,
114 vs. Plff. in Error.
Charles McLaughlin.

The transcript filed in this case does not contain a copy of the judgment of the Supreme Court of the State. For this reason the suit will be dismissed unless the plaintiff in error, shall, on or before the second Monday in April, supply the defect by appropriate amendment or otherwise. It is not sufficient for the Clerk of the Court below to certify that a judgment has been rendered. The judgment itself as actually entered must be set forth in full. As the defendant in error has not appeared, it is our duty to see that the transcript prope-

erly presents the case before we enter on its consideration.

per Mr. Chief Justice Waite.

1135 The Denver & Rio Grande Railway Company, vs. Appellant. The Canon City & San Juan Railway Co, and the Pueblo, and Arkansas Valley R.R. Co.

and

1136 The Denver & Rio Grande Railway Co. vs. Appellant. The Pueblo and Arkansas Valley R.R. Co.

Mr. S. Shellabarger filed and submitted to the consideration of the Court, motion to advance these cases.

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970 Anna M. Clarkson et al., Plffs. in Error. vs. The Attorney General of the State of New Jersey et al.—

The petition for an order of sale of the Stevens Battery was argued by Mr. Joel Parker and Mr. Leon Abbett in support of the same and submitted on printed arguments by Mr. Wal-

ter L. Clarkson in opposition thereto.

788	The United States vs. Helen A. Peck, Admx. of Campbell K. Peck, deceased. Appellant.	The motion to substitute the assignee in bankruptcy in these cases in place of Mrs. Helen A. Peck, Administratrix, was argued by Mr. Hagerman in support of the same.
	and	
789	Helen A. Peck, Admx. of Campbell K. Peck. vs. The United States Appellant.	

91	Elizabeth Kip, vs. The New York & Harlem R. R. Co. Plff. in Error.	In Error to the Supreme Court of the State of New York.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of New York being possessed of the record and proceedings upon a remittitur from the Court of Appeals of the State of New York and on the stipulation of counsel on file

and motion of Mr. W. A. McKenney in behalf of counsel, it is now here ordered and adjudged by this Court, that the writ of error in this cause, be, and the same is hereby dismissed - Clerk's costs to be paid by the plaintiff in error. -

per Mr. Chief Justice Waite.

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91 Elizabeth Kip, vs. Plff. in Error
The New York & Harlem R.R. Co.

On motion of Mr. W. A. McKenney, leave is hereby granted the Clerk to issue the mandate in this cause.

1128 Elizabeth G. Gibboney Executrix of Robert Gibboney, deceased, - vs. Clark, Dodge & Company. Appellant.

Appeal from the Circuit Court of the United States for the Western District of Virginia. -

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Western

District of Virginia and on the authority of counsel for the appellant on file and motion of Mr. W. C. McKenney in behalf of counsel, it is now here ordered, adjudged and decreed by this Court, that this appeal, be, and the same is hereby dismissed with costs.—

per Mr. Chief Justice Waite.

	Charles Lauer,	In Error to the Circuit
850	vs. Pltf. in Error.	Court of the United
	The New Orleans	States for the District
	Water Works Co.—	of Louisiana.—

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Louisiana, and on the stipulation of counsel on file and motion of Mr. C. W. Hornor in behalf of counsel, it is now here ordered and adjudged by this Court, that the writ of error in this cause, be, and the same is hereby dismissed with costs.—

per Mr. Chief Justice Waite.

James L. Dickenson et al,
vs. Plffs. in Error.
Thomas McLellan, Admr. &c.

Mr. J. H. Maxwell presented the certificate of the Clerk of the Supreme Court of the Territory of Utah in this cause and moved the Court, pursuant to the 9th rule, to have the writ of error docketed and dismissed. Thereupon, this Court not being now here sufficiently advised of, and concerning what order to render in the premises, took time to consider.

Joel W. Kimber, William Fullerton, John B. Ballard et al.,
1130 vs. Plffs. in Error.
The Little Jumell Gold Mining Company.

In Error to the Circuit Court of the United States for the District of Colorado.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Colorado and on the stipulation of counsel on file and motion of Mr.

Tuesday March 2nd 1880 continued.

Fillmore Beall in behalf of counsel, it is now here ordered and adjudged by this Court, that the writ of error in this cause, be, and the same is hereby dismissed with costs.—

per Mr. Chief Justice Waite.

The County of Dent,		In Error to the Circuit Court of the United States for the Western District of Missouri.—
1171	vs. Pltff. in Error.	
William Patterson.—		

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Western District of Missouri and on the authority of counsel for the plaintiff in error on file and motion of Mr. Fillmore Beall in behalf of counsel, it is now here ordered and adjudged by this Court, that the writ of error in this cause, be, and the same is hereby dismissed with costs.—

per Mr. Chief Justice Waite.

Tuesday March 2nd 1880, continued.

308	Paul Leary, vs. Appellant. Mary Long, Admx, &c.	The motion to dismiss this cause was submitted to the consideration of the Court on printed arguments by Mr. L. G. Kine and Mr. S. F. Thomas in support of the same and by Mr. A. L. Merriman in opposition thereto.

453	George Sharpe, vs. Plff. in Error. W. L. Doyle et al.	The motion to dismiss this cause was submitted to the consideration of the Court on printed arguments by Mr. Wm. H. Arnoux in support of the same, and by Mr. Chas. E. Whitehead in opposition thereto.

129	William M. Springer, vs. Plff. in Error. The United States.	Mr. W. M. Springer suggested a diminution of the record in this cause and moved the Court for a writ of certiorari; which motion was argued by Mr. Springer in support of the same and by Mr. Asst. Atty. Gen. Smith

in opposition thereto.

Proclamation being made, the Court is adjourned until tomorrow at twelve o'clock.

Wednesday March 3rd 1880

Pursuant to adjournment the Court met today at the Capitol—

Present—

The Honorable Morrison R. Waite — Chief Jus
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field — Associate Justices.
William Strong
Joseph P. Bradley
John M. Harlan.

John G. Nicolay Esquire, Marshal.
Daniel Kesler Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. J. Thomas Turner, it is ordered that Charles F. Whittlesey Esquire, of Washington City, District of Columbia, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

Wednesday March 3rd 1880, continued.

The United States 886 vs. Appellant. Hance Lawson	On motion of Mr. J. M. Johnston, leave is hereby granted the Clerk to issue the mandate in this cause.

Frank J. Bowman Gelt'z vs. Plff in Error. Edward A. Lewis et al.	The argument of this cause was commenced by Mr. J. S. Black of counsel for the plaintiff in error, continued by Mr. C. H. Krum and Mr. Henry Hitchcock for the defendants in error and concluded by Mr. George F. Edmunds for the plaintiff in error.

Proclamation being made, the Court is adjourned until to-morrow at twelve o'clock.

Thursday March 11th 1880

Pursuant to adjournment, the Court met today at the Capitol —

Present =

The Honorable Morrison R. Waite, Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan
} Associate Justices

John G. Nicolay, Esquire, Marshal
Daniel Wesley Middleton, Clerk

Proclamation being made, the Court is opened.

On motion first made to the Court in this behalf by Mr. P. Phillips, it is ordered that William Walsh and Ferdinand Williams Esquires, of Cumberland, State of Maryland, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

Thursday March 11th 1880, continued.

166 The First National Bank of Carlisle, Pa. et al. vs. Plffs. in Error. Fannie L. Graham. — This cause was argued by Mr. George H. Williams of counsel for the plaintiff in error, and by Mr. John Hays for the defendant in error.

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181 John B. Stone et al., vs. Plffs. in Error. The State ex rel. George E. Harris, Atty. Genl — The argument of this cause was commenced by Mr. P. Phillips of counsel for the plaintiff in error.

Proclamation being made, the Court is adjourned until tomorrow at twelve o'clock.

Friday March 5th 1880.

Pursuant to adjournment the Court met today at the Capitol—

Present—

The Honorable Morrison R. Waite — Chief justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan — Associate justices

John G. Nicolay Esquire, Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Hon. Francis Kernan, it is ordered that C. L. Prescott Esquire of Rome and W. H. Sawyer Esquire of Canton, St. Lawrence County, State of New York, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. P. Phillips, it is ordered that Bethel Coopwood Esquire of Austin, and John D. Templeton Esquire of Fort Worth, State of Texas, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. P. Phillips, it is ordered that James Duval Rodney Esquire of Germantown, State of Pennsylvania, be admitted to prac-tice as an attorney and counsellor of this Court and he was sworn accordingly.

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510 The United States vs. Appellant.
Catharine Thrush vs Wm B. Stone.—

On motion of Mr. J. Fullerton, leave is hereby granted the Clerk to issue the mandate in this cause.

	William L. Dunn, John Reid Jr. and Robert C. Crawford, Trustees	Appeal from the Circuit Court of the United States for the Southern District of Alabama.
426	vs. Appellants.	
	William Butler Duncan surviving Trustee & Receiver of the Mobile & Ohio Railroad Company, N.H. Walker and Wm H. Hayes	

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of Alabama, and on the stipulation of counsel on file and motion of Mr. P. Beall in behalf of counsel, it is now here ordered, adjudged and decreed by this Court, that this appeal, be, and the same is hereby dismissed - Costs in this Court to be paid by appellees

per Mr. Chief Justice Waite.

	John B. Stone et al.,	The argument of this cause was continued by Mr. P. Phillips of counsel
181	vs. Plffs. in Error.	
	The State ex rel. George E. Harris, Atty. Genl.	

Friday March 5th 1880, continued

for the plaintiff in error, and concluded by Mr Ian H. Manning for the defendant in error

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Merritt Cox et al.,
183 vs. Plffs. in Error.
The National Bank of the State of New York
and
Merritt Cox et al.,
181 vs. Plffs. in Error.
The National Bank of the State of New York

These causes were argued by Mr Walter Evans of counsel for the plaintiff in error and Mr F. H. MacFarland for the defendants in error.

Proclamation being made the Court is adjourned until Monday next at twelve o'clock.

Monday March 8th 1880

Pursuant to adjournment the Court met today at the Capitol

Present

The Honorable Morrison R. Waite	Chief Justice
Nathan Clifford	Associate Justices
Noah H. Swayne	
Samuel F. Miller	
Stephen J. Field	
William Strong	
Joseph P. Bradley	
John M. Harlan	

John G. Nicolay Esquire, Marshal
Daniel Wesley Middleton, Clerk

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Hon. S. Shellabarger, it is ordered that W. K. Shirland Esquire of Troy, State of New York, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

Ex parte: In the matter of Albert Seibold et al., Petitioners
1 original

On consideration of the petition for a writ of Habeas Corpus in this cause, it is ordered that said petition, be, and the same is hereby denied.

per Mr. Justice Bradley

Dissenting:
Mr. Justice Field
" " Clifford

Ex parte: In the matter of Augustus F. Clarke, Petitioner
6 orig.

On consideration of the petition for a writ of Habeas Corpus in this cause, it is ordered that said petition, be, and the same is hereby denied; and that the petitioner be remanded to the custody of the U. S. Marshal for the Southern District of Ohio.

per Mr. Justice Bradley.

Dissenting:
Mr. Justice Field
" " Clifford

Monday March 8th 1880, continued

1075

N. C. Coudrey, Appellant
vs.
J. V. N. Vandenburgh
H. L. Crawford and
L. D. Gilbert as J. V.
N. Vandenburgh & Co.

Appeal from the Supreme Court of the District of Columbia.

This cause came on to be heard on the transcript of the record from the Supreme Court of the District of Columbia and was argued by counsel. On consideration whereof, it is now here ordered, adjudged and decreed by this Court, that the decree of the said Supreme Court in this cause, be, and the same is hereby affirmed with costs.

per Mr. Justice Field

Dissenting:
Mr. Justice Swayne
" " Miller

Monday March 8th 1880, continued

1076 N. C. Coudrey, Appellant
vs.
J. K. Vandenburgh, H. L. Crawford and L. B. Tilbert as J. K. Vandenburgh & Co.

Appeal from the Supreme Court of the District of Columbia

This cause came on to be heard on the transcript of the record from the Supreme Court of the District of Columbia and was argued by counsel. On consideration whereof, it is now here ordered, adjudged and decreed by this Court, that the decree of the said Supreme Court in this cause, be, and the same is hereby affirmed with costs.

per Mr. justice Field.

Dissenting:
Mr. justice Swayne
" " Miller

Monday March 8th 1880, continued

1002 Edwin C. Litchfield, vs. The County of Webster in the State of Iowa & Jonathan Hutchison Treasurer of said County. and The County of Webster in the State of Iowa and Jonathan Hutchison Treasurer of said County 1003 vs. Edwin C. Litchfield

Appeals from the Circuit Court of the United States for the District of Iowa.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Iowa on appeal and cross appeal, and was argued by counsel. On consideration whereof, it is now here ordered, adjudged and decreed by this Court, that the decree of the said Circuit Court in this cause, be, and the same is hereby affirmed. Each party to pay the costs of his own appeal.

Per Mr. Chief Justice Waite.

Monday March 8th 1880, continued

174 Edwin D. Litchfield, Plff. in Error.
vs.
The County of Hamilton and Hiram Bennett, Treasurer of said County.

In Error to the Supreme Court of the State of Iowa.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Iowa and was argued by counsel. On consideration whereof, it is now here ordered, adjudged and decreed by this Court, that the decree of the said Supreme Court in this cause, be, and the same is hereby reversed with costs: And that this cause, be, and the same is hereby remanded to the said Supreme Court, with directions to enjoin the collection of all taxes on the lands in question, for the years 1859, 1860, and 1861, but with leave to enter such further decree in reference to the taxes of 1862, and thereafter, as the Court shall be advised may be proper under the circumstances.

per Mr. Chief Justice Waite.

940 Anna C. Clarkson et al., Plffs. in Error
vs.
The Attorney General of the State of New Jersey et al.

On consideration of the petition filed in this cause for an order of sale of the Stevens Battery, and of the argument of counsel thereupon had as well in support of as against the same, it is now here ordered by the Court, that said motion, be, and the same is hereby denied.—

per Mr. Chief Justice Waite.

1135 The Denver & Rio Grande Railway Company, Appellant.
vs.
The Canon City & San Juan R.R. Co. et al.

and

1136 The Denver & Rio Grande R.R. Co. Appellant.
vs.
The Pueblo & Arkansas Valley R.R. Co.

On consideration of the motion to advance these cases, it is ordered that said motion, be, and the same is hereby granted: And that the cases be assigned for argument on the 19th day of

April, at the head of the calendar for that day; without prejudice to the right of the Canon City & San Juan Company to move at an earlier date to dismiss the appeal. —

per Mr. Chief Justice Waite.

	William M. Springer,	On consideration of the motion for a writ of certiorari in this cause, it is ordered that said motion be, and the same is hereby denied. —
129	vs. Plff in Error.	
	The United States. —	

per Mr. Chief Justice Waite.

	Paul Leary,	On consideration of the motion to dismiss this cause, it appearing to the Court that there was no bond filed on taking the appeal: It is ordered that the motion to dismiss will be granted unless the appellant file with the Clerk of this Court, on or before the first Monday in April next, a bond with sureties to be approved by the Chief Justice in the penal sum of five hundred and fifty
308	vs. Appellant.	
	Mary Long, Admx. of David Long, dec'd.	

dollars conditioned to pay all costs if he shall fail to prosecute his appeal to effect.

per Mr. Chief Justice Waite.

Lewis Hammock et al,	Ordered by the
721 vs. Appellants.	Court, that the
The Farmers Loan & Trust Co.	order of submis-
	sion in this

cause be set aside and the cause argued orally when reached in the regular call of the docket.

George H. Sharpe,	On consideration
1153 vs. Plff. in Error.	of the motion to
Michael L. Doyle et al.	dismiss or affirm
	this cause, it is or-

dered that said motions be, and the same are hereby denied.—

per Mr. Chief Justice Waite.

James L. Dickenson et al	On considera-
vs. Plffs. in Error.	tion of the mo-
Thomas McLellan, Adm'r, &c.	tion to docket
	and dismiss

this cause, it is ordered that said motion

so, and the same is hereby denied.
per Mr. Chief Justice Waite.

1113 Jeter Clinton,
vs. Plff. in Error.
William Nelson, Frank Tilford, Patrick H. Lannan, George A. Black, Charles Popper, William H. Gallagher, H. H. Laurence, H. S. McCormick, Nicholas Groesbeck & L. E. Holden.

Mr. S. F. Phillips having filed in open Court the following certificate to wit:

"In the Supreme Court of the Territory of Utah.
Jeter Clinton - Appellant
vs.
William Nelson, Frank Tilford, Patrick H. Lannan, George A. Black, Charles Popper, William H. Gallagher, Henry H. Laurence, H. S. McCormick, Nicholas Groesbeck, and L. E. Holden - respondents -
Territory of Utah } S.S.
County of Salt Lake }

I, E. T. Sprague, Clerk of the Supreme Court of the Territory of Utah, do hereby certify, that the above entitled cause

was brought into this Court by appeal on the part of said Peter Clinton, plaintiff below, was heard and tried in said Supreme Court at its term holden at Salt Lake City in said Territory on the 14th day of January A.D. 1878 and judgment was rendered and entered therein on the 11th day of February A.D. 1878 in said Supreme Court. From this judgment in favor of said respondents William Nelson and others, the said appellant Peter Clinton sued out a writ of error on the 16th day of April, A.D. 1878, to the Supreme Court of the United States returnable at its then next term to be holden at Washington on the second Monday of October, A.D. 1878. Said Clinton has not procured any transcript of the record of said cause.

Witness my hand and the seal of said Supreme Court of said Utah Territory, this 30th day of October A.D. 1880 at Salt Lake City.

{Seal}

E. T. Sprague
Clerk of Supreme Court
of Utah Territory"

and having stated that the plaintiff in error

had altogether failed to file the record of said cause in this Court, or in any way to prosecute said writ of error: Moved the Court, in pursuance of the 6th rule, to have the writ of error in this cause to the Supreme Court of the Territory of Utah, docketed and dismissed. On consideration whereof, it is now here ordered and adjudged by this Court, that the writ of error in this cause, be, and the same is hereby docketed and dismissed with costs. And that this cause, be, and the same is hereby remanded to the said Supreme Court, to be proceeded in according to law and justice.

per Mr. Chief Justice Waite.

J. C. Hamner, Adm'r of George W. Hamner, deceased

11411 vs. Appellant

The United States

Mr. Solicitor General Phillips of counsel for the appellee having filed in open Court, the following certificate to wit:

"In the Court of Claims.

J. C. Hamner, Administrator of George W. Hamner, dec'd. No 3518

vs.

The United States

I certify that on the fourth day of February, A.D. 1878, the Court of Claims rendered judgment in the aforesaid cause dismissing the petition of the claimant—

And I further certify that on the 7th day of February 1878, the claimant filed an application for the allowance of an appeal from the aforesaid judgment to the Supreme Court of the United States and that said appeal was allowed as prayed for—

In testimony whereof, I set my hand and affix the seal of said Court of Claims, this 25th day of February, 1880

John Randolph—
Asst. Clk. Ct. of Claims"

and having stated that the appellant had altogether failed to file the record of said cause in this Court, or in any way to prosecute said appeal— Moved the Court, in pursuance of the 9th rule, to have this appeal docketed and dismissed— On consideration whereof, it is now here ordered and adjudged by this Court, that this appeal from the Court of Claims, be, and the same is hereby docketed and dismissed—

And that this cause, be, and the same is hereby remanded to the said Court of Claims to be proceeded in according to law and justice

per Mr. Chief Justice Waite.

	William M. Springer,	On motion of Mr. Solicitor General Phillips and stipulation of counsel,
129	vs. Plff. in Error.	
	The United States.	

it is ordered that this cause be substituted for No. 252, and vice versa.

	George Parks et al.	On motion of Mr. W. Bakewell, it is ordered that T. B. Kerr be allowed to enter his appearance in this cause and
233	vs. Appellants.	
	Jonathan L. Booth	

argue the same in behalf of the appellants.

	James T. Wood et al.,	On motion of Mr. W. Bakewell, ordered that this cause, be, and the same is
230	vs. Plffs in Error.	
	Robert Long et al. assignees	

hereby continued until the next term.

	E. F. Worthington et al, Adm'rs, &c.,	On motion of Mr. Luther H. Pike, leave is hereby granted the Clerk to issue the mandate in this cause.
121	vs. Plffs. in Error.	
	Martha W. Mason.	

	Randolph County	Appeal from the Circuit Court of the United States for the Southern District of Illinois.
265	vs. Appellant.	
	The Aetna Life Insurance Company et al	

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of Illinois and on the authority of counsel for the appellant on file and motion of Mr. Fillmore Beall in behalf of counsel, it is now here ordered, adjudged and decreed by this Court, that this appeal, be, and the same is hereby dismissed with costs.

per Mr. Chief Justice Waite.

Under U. Thomas, Daniel R. Thomas, Thomas P. Simpson, Salmon P. Burr, & Marshall H. Trench. — Appeal from the Circuit Court of the United States for the Northern District of Illinois.

123 vs. Appellants.

George B. Knight, Receiver of the Indianapolis, Bloomington & Western Railway Company et al.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Northern District of Illinois and on the authority of counsel for the appellants on file and motion of Mr. Fillmore Beall in behalf of counsel, it is now here ordered, adjudged and decreed by this Court, that this appeal, be, and the same is hereby dismissed with costs.

per Mr. Chief Justice Waite.

Charles L. Cortman — In Error to the Circuit Court of the United States for the Eastern District of

911 vs. Plff. in Error.

William H. Phelps & William G. Dodge.

Monday March 8th 1880, continued

Michigan.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Michigan, and on the stipulation of counsel for the respective parties on file and motion of Mr. Fillmore Beall on behalf of counsel, it is now here ordered and adjudged by this Court, that the writ of error in this cause, be, and the same is hereby dismissed. Each party paying their own costs.

per Mr. Chief Justice Waite.

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292 The Peoples Bank of Belleville, vs. Plff. in Error. Philo C. Calhoun et al.

The motion to dismiss this cause was submitted to the consideration of the Court on printed arguments by Mr. B. H. Bristow and Mr. H. J. Opdyke in support of the same and by Mr. C. K. Thomas in opposition thereto.

Monday March 8th 1880, Continued

185	William Imhauser, vs. Jacob E. Buerk	The argument of this cause was commenced by Mr. C. V. Brisen of counsel for the appellant.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Tuesday March 9th 1880.

Pursuant to adjournment the Court met to-day at the Capitol.

Present -

The Honorable Morrison R. Waite	Chief Justice.
Nathan Clifford	Associate Justices.
Noah H. Swayne	
Samuel F. Miller	
Stephen J. Field	
William Strong	
Joseph P. Bradley	
John M. Harlan	

John G. Nicolay Esquire, Marshal.
Daniel Kesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Charles Case, it is ordered that Joshua Tracy Esquire, of Burlington, State of Iowa, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. C. Carter, it is order-

ed that Burton N. Harrison Esquire, of New York City, State of New York, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

	William Ahnhauser,	The argument of this
185	vs. Appellant.	cause was continued
	Jacob E. Burk.	by Mr. A. V. Brisen of

counsel for the appellant, by Mr. J. Vansantvoord for the appellee and concluded by Mr. Brisen for the appellant.

	Mrs. Widow D. Freitas,	This cause was
186	vs. Plff. in Error.	argued by Mr.
	John Cochrem et al. Assignees.	Charles Case of

counsel for the plaintiff in error and submitted on printed arguments by Mr Robert Mott for the plaintiff in error and also submitted on printed arguments by Mr. J. D. Rouse and Mr. William Grant of counsel for the defendant in error.

	Abel N. Pierce et al.	This cause was sub-
187	vs. Plffs. in Error.	mitted to the consid-
	Spencer P. Wade.	eration of the Court

Thursday March 9th 1881, continued

on the record and printed arguments by Mr. Nelson Cobb of counsel for the plaintiffs in error. No counsel appearing for the defendant in error

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Abel H. Pierce et al. vs. Pltffs. in Error. / William S. Gough et al.

188

This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. Nelson Cobb of counsel for the plaintiffs in error. No counsel appearing for the defendants in error.

The United States, Appellant vs. Francis J. Lippitt

179

Brief in this cause.

On motion of Mr. Nelson, ordered that leave be granted him & J. J. Reed to file

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The United States vs. Francis J. Lippitt

179

The argument of this cause was commenced by Mr. Attorney General Devens of counsel

Tuesday March 9th 1830, continued.

for the appellant and continued by James Lowndes for the appellee.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Wednesday March 16th 1870

Pursuant to adjournment the Court met to-
day at the Capitol –

Present –

The Honorable Morrison R. Waite,	Chief justice
Nathan Clifford	
Noah H. Swayne	
Samuel F. Miller	Associate
Stephen J. Field	justices.
William Strong	
Joseph P. Bradley	
John M. Harlan	

John F. Nicolay Esquire, Marshal.
Daniel Kesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Charles Case, it is ordered that Charles D. Kerr Esquire of St. Paul, State of Minnesota, be admitted to prac-tice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. H. P. Clough, it is order-

ed that John D. Gilfillan Esquire of Minneapolis, State of Minnesota, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. C. Carter, it is ordered that D. H. Sanders Esquire, of Louisville, State of Kentucky, be admitted to practice as an attorney and counsellor of this Court, and he was sworn accordingly.

	The United States	The argument of this
879	vs. Appellant.	cause was continued by
	Francis J. Lippitt.	Mr. James Lowndes of
		counsel for the appellees

and concluded by Mr. Attorney General Devens for the appellant.

	Laura C. Jones, widow &c.	This cause was
119	vs. Pff. in Error.	submitted to the
	H. G. Blackwell.	consideration of

the Court on the record and printed arguments by Mr. Assistant Attorney General Smith of counsel for the plaintiff in error, and by Mr. J. L. Rouse and Mr.

Wednesday March 10th 1886, continued

Wm. L. Grant for the defendant in error.

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57 Wm. S. Manning, Plff. in Error. vs. The John Hancock Mutual Life Ins. Co.

This cause was argued by Mr. Wm. Henry Arnoux of counsel for the plff. in error and by Mr. J. C. Carter for the defendant in error.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock

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Thursday March 11th 1880

Pursuant to adjournment the Court met to-day at the Capitol.

Present:

The Honorable Morrison R. Waite	Chief Justice
Nathan Clifford	Associate Justices.
Noah H. Swayne	
Samuel F. Miller	
Stephen J. Field	
William Strong	
Joseph P. Bradley	
John M. Harlan	

John G. Nicolay Esquire, Marshal
Daniel Kiesly Middleton, Clerk.

Proclamation being made the Court is opened.

1179	The Insurance Company of North America — vs. The Commonwealth of Pennsylvania —	Pltff in Error.	Mr. L. D. Gilbert filed and submitted to the consideration of the Court, motion to advance this cause.

Thursday March 11th 1880, continued

Louisa L. Clarke, wife of J. H. Clarke, W. L. Lane & J. Lane by his next friend J. L. Lum heirs of C. W. Lane

515 vs. Appellants.

Sarah C. Lane.

and

Sarah C. Lane

516 vs. Appellant.

Louisa H. Clarke wife of J. H. Clarke, W. L. Lane et al.

Appeals from the Circuit Court of the United States for the District of Louisiana.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Louisiana, on appeal and cross appeal and on the authority of counsel for the respective parties on file and motion of Mr. W. C. McKinney in behalf of counsel, it is now here ordered, adjudged and decreed by this Court, that these appeals be, and the same are hereby dismissed.—

per Mr. Chief Justice Waite.

Thursday March 11th 1880, continued

190	The Town of Scipio vs. Plff. in Error. William D. Knight.	This cause was argued by Mr. Sec. F. Comstock of counsel for the plaintiff in error, and by Mr. David Knight for the defendant in error.

191	Frank F. Case, Rec'r &c. vs. Plff. in Error. The New Orleans & Carrollton R.R. Co. et al.	On motion of Mr. B. F. Jonas, leave is hereby granted Mr. Miller to file additional brief in this cause for the deft. in error on or before the 15th inst. with leave to Mr. C. Case to reply.

191	Frank F. Case, Rec'r &c. vs. Plff. in Error. The New Orleans and Carrollton R.R. Co. et al.	This cause was argued by Mr. Chas. Case of counsel for the plaintiff in error, and submitted on printed arguments by Mr. H. C. Miller of counsel for the defendant in error.

Thursday March 11th 1880, continued

192	Manuel de Liano, vs. Myra Clark Gaines. Appellant.	This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. George L. Bright, Mr. H. B. Kelly and Mr. H. L. Lazarus of counsel for the appellant and Mr. S. Shellabarger and Mr. J. M. Wilson for the appellee.

193	H. L. Henry. vs. Charles H. Sedgwick, Assignee &c. Appellant.	The argument of this cause was commenced by Mr. C. C. Cole of counsel for the appellant.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Friday March 12th 1880

Pursuant to adjournment the Court met today at the Capitol.

Present:

The Honorable Morrison R. Waite	Chief Justice
Nathan Clifford	Associate Justices
Noah H. Swayne	
Samuel F. Miller	
Stephen J. Field	
William Strong	
Joseph P. Bradley	
John M. Harlan	

John G. Nicolay Esquire, Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. F. J. Durant, it is ordered that John Mason Brown Esquire, of Louisville and Daniel H. Lindsey Esquire of Frankfort, State of Kentucky, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this be-

half by Mr. Waldo Hutchins, it is ordered that William H. Andrews Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

202	Alfred Shaw, Plff. in Error, vs. N. L. Casey, Defendant in error &c.	On motion of Mr. C. Cox, it is ordered that this cause, be, and the same is hereby continued until the next term.

193	N. L. Henry, Appellant, vs. C. F. Sedgwick, Assignee &c.	The argument of this cause was continued by Mr. C. C. Cole of counsel for the appellant, by Mr. Burton & Harrison for the appellee and concluded by Mr. Cole for the appellant.

	Robert F. Silliman et al.	These cases were
194	vs. Appellants.	argued by Mr.
	The United States	F. J. Durant of
	and	counsel for Silli-
	The United States,	man et al. and
195	vs. Appellants.	by Mr. Attorney
	Robert F. Silliman et al.	General Devens
		for the United
	States.	

	Lovell & Bailey et al.	This cause was argued
196	vs. Plffs. in Error	by Mr. H. Hallett Phil-
	James Davis, Master	lips and submitted
	of Ship "Adorna" &c.	on printed arguments
		by Mr. P. Phillips of

counsel for the plaintiff in error. Mr. Durant asked that leave be granted Mr. Singleton to file brief for defendant in error within thirty days.

	The Northwestern Mutual	This cause was
	Life Insurance Company,	argued by Mr.
197	vs. Plff in Error.	Edward Sal-
	Mary L. Fridley.	omon of coun-
		sel for the

plaintiff in error and by Mr. Robert Saw-
all for the defendant in error.

The Howe Machine Company,		This cause
198 vs.	Plff. in Error	was submit-
Jesse Cage, Clerk, &c..		ted to the
		considera-

tion of the Court on the record and print-
ed argument by Mr. R. McP. Smith of
counsel for the plaintiff in error. No coun-
sel appearing for the defendant in error.

Proclamation being made the Court is ad-
journed until Monday next at twelve
o'clock.

Monday March 15th 1880

Pursuant to adjournment the Court met today at the Capitol—

Present:

The Honorable Morrison R. Waite — Chief Justice.
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field — Associate Justices.
William Strong
Joseph P. Bradley
John M. Harlan

John G. Nicolay Esquire, Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Philip Phillips, it is ordered that S. R. Fisher Esquire, of Austin, State of Texas, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. R. T. Merrick, it is order-

ed that Wharton Branch Esquire, of Galveston, State of Texas, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. B.H. Hill, it is ordered that R.J. Moses Esquire, of Atlanta, State of Georgia, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William Henry Browne Esquire, it is ordered that John F. Ellis, Esquire, of St. Louis, State of Missouri, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. C.H. Grosvenor, it is ordered that Austin Workman Forbes, Esquire, of Pomeroy, State of Ohio, be admitted to practice as an attorney and

counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. T. B. Reed, it is ordered that Reuben Thompson Esquire, of Brunswick, State of Maine, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

	Patrick Burns and Patrick Degman,	Appeal from the Circuit Court of the United States for the Eastern District of Missouri.
152	vs. Appellants.	
	Jacob Meyer, Isaac Meyer & James Bannerman.	

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Missouri and was argued by counsel. On consideration whereof, it is now here ordered, adjudged and decreed by this Court, that the decree of the said Circuit Court in this cause be, and the same is hereby affirmed with costs.

per Mr. Justice Bradley.

The United States ex rel. Alvin C. Phillips, John H. Carr, C. R. Campbell, David Beaty & William Spence vs. Plffs. in Error. James L. Haines, Comptroller of the State of Tennessee.	In Error to the Circuit Court of the United States for the Middle District of Tennessee.

109

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Middle District of Tennessee, and was argued by counsel. On consideration whereof, it is now here ordered and adjudged by this Court, that the judgment of the said Circuit Court in this cause be, and the same is hereby affirmed with costs.

per Mr. Justice Strong.

William Newton Meeks, vs. Plff. in Error. Robert Osburn, Michael Costello, J. J. Meeks, H. P. Thurston et al.	In Error to the Circuit Court of the United States for the District of California.

110

Monday March 15th 1880, continued.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of California and was argued by counsel. On consideration whereof, it is now here ordered and adjudged by this Court, that the judgment of the said Circuit Court in this cause, be, and the same is hereby affirmed with costs.

per Mr. Justice Miller.

Merrill Cox and J. C. Whitlock, Plffs. in Error.
183 vs.
The National Bank of the State of New York.

In Error to the Circuit Court of the United States for the District of Kentucky.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Kentucky, and was argued by counsel. On consideration whereof, it is now here ordered and adjudged by this Court, that the judgment of the said Circuit Court in this cause be, and the same is hereby affirmed with costs and interest until paid at the same rate per annum that sims

ilar judgments bear in the Courts of the State of Kentucky.—

per Mr. Justice Clifford

Merrill Cox and J. D. Clardy,	In Error to the Circuit Court of the United States for the District of Kentucky.—
1858 vs. Plffs. in Error.	
The National Bank of the State of New York.	

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Kentucky and was argued by counsel— On consideration whereof, it is now here ordered and adjudged by this Court, that the judgment of the said Circuit Court in this cause, be, and the same is hereby affirmed with costs and interest, until paid, at the same rate, per annum, that similar judgments bear in the Courts of the State of Kentucky.—

per Mr. Justice Clifford.

553	James Vance et al. Appellants. vs. C. R. Burbank et al.	Appeal from the Circuit Court of the United States for the District of Oregon.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Oregon and was argued by counsel. On consideration whereof, it is now here ordered, adjudged and decreed by this Court, that the decree of the said Circuit Court in this cause, be, and the same is hereby affirmed with costs.

per Mr. Chief Justice Waite.

187	Abel H. Pierce and James L. Reed, partners as Pierce & Reed, Plffs. in Error vs. Spencer D. Wade.	In Error to the Circuit Court of the United States for the District of Kansas.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Kansas, and was argued by counsel. On consideration

whereof, It is now here ordered and adjudged by this Court, that the writ of error in this cause, be, and the same is hereby dismissed for want of jurisdiction.

per Mr. Chief Justice Waite.

	Abel H. Pierce and James D. Reed, partners as Pierce & Reed,	In Error to the Circuit Court of the United States for the District of Kansas.
118	vs. Plffs. in Error	
	William S. Tough & Charles L. Vandesteel.	

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Kansas, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court, that the writ of error in this cause, be, and the same is hereby dismissed for the want of jurisdiction.

per Mr. Chief Justice Waite.

	Manuel De Liano	Appeal from the Circuit Court of the United States for the District of Louisiana.
192	vs. Appellant.	
	Myra Clark Gaines.	

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Louisiana and was argued by counsel. On consideration whereof, It is now here ordered, adjudged and decreed by this Court, that this appeal, be, and the same is hereby dismissed for the want of jurisdiction.

per Mr. Chief Justice Waite.

	The United States ex rel. Thomas McBride,	On consideration of the motion to advance this cause, It is ordered that said motion, be, and the same
1080	vs. Aff. in Error	
	Carl Schurz, Secretary of the Interior.	

is hereby granted; And the cause assigned for argument at the head of the docket for the first day of the next term.

per Mr. Chief Justice Waite.

292 The Peoples Bank of Belleville, vs. Plff in Error. Philo C. Calhoun et al.

On consideration of the motion to dismiss this cause: It is ordered that said motion, be, and the same is hereby postponed until the hearing of the cause upon its merits.

per Mr. Chief Justice Waite.

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479 The Insurance Company of North America, vs. Plff in Error. The Commonwealth of Pennsylvania.

On consideration of the motion to advance this cause: It is ordered that said motion, be, and the same is hereby denied.

per Mr. Chief Justice Waite.

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196 Lovell & Bailey et al, vs. Plffs in Error. James Davis, Master of Ship "Adorna" &c.

On consideration of the motion for leave to Mr. Singleton to file brief in behalf of defendant in error in this cause: It is ordered that said motion, be, and the

same is hereby denied.

per Mr. Chief Justice Waite.

	The St. Louis Smelting and Refining Company,		Mr. W. A. Smith filed, and submitted to the consideration of the Court, motion to advance these cases.
1118	vs.	Plff. in Error.	
	Thos. Kemp & Wm. Nuttall		
	and		
	The St. Louis Smelting and Refining Company,		
1119	vs.	Plff. in Error.	
	Sarah Ray et al.		

	The State of New Hampshire,		Ordered that the petition for a preliminary injunction in this cause, be, and the same is hereby postponed until the hearing of the cause upon its merits.
13	orig'l vs	Complainant.	
	The State of Louisiana et al.		

	The State of New Hampshire,		Mr. J. O. Campbell presented the authority
13	orig'l vs	Complainant.	
	The State of Louisiana et al.		

of the Governor of Louisiana, authorizing him to enter his appearance in behalf of the defendant in this cause.

	The Davenport & Northwestern R.R.Co.	The mo-
143	vs. Plff. in Error.	tion to
	Renwick, Shaw and Crossett.	dismiss
		this cause

was submitted to the consideration of the Court on printed arguments by Mr. James T. Lane and Mr. Jno. N. Rogers in support of the same, and by Mr. James Grant in opposition thereto.

	Sarah S. Walden,	This cause was argued
176	vs. Appellant.	by Mr. B. H. Hill of
	Darius D. Skinnerstal.	counsel for the appel-
		lant and by Mr. A.

R. Lawton of counsel for the appellees.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Tuesday March 16th 1880

Pursuant to adjournment the Court met to-day at the Capitol.

Present.

The Honorable Morrison R. Waite — Chief Justice.

Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan
— Associate Justices.

John G. Nicolay Esquire, Marshal.
Daniel Wesley Middleton, Clerk

Proclamation being made the Court is opened.

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611 The Colorado Central Railroad Company, Plff in Error. vs. A. A. White, Admr, &c.

On motion of Mr. Fillmore Beall, leave is hereby granted the Clerk to issue the mandate in this cause.

Tuesday March 16th 1880, continued

201	Ellen B. Ponder, appellant. vs. Lavinia & Corinne DeLaumey, admx's &c.	This cause was argued by Mr. R. J. Moses of counsel for the appellant and by Mr. K. Reynolds and Mr. Chas. K. Teat of counsel for the appellees.

206	C. A. Arthur, Collr, &c. Plff. in Error. vs. William E. Dodge et al. Defts. in Error.	The argument of this cause was commenced by Mr. Solicitor General Phillips of counsel for the plaintiff in error, and continued by Mr. J. E. Parsons of counsel for the defendants in error.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Wednesday March 17th 1880

Pursuant to adjournment the Court met to-day at the Capitol.

Present.

The Honorable Morrison R. Waite — Chief Justice.
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan — Associate Justices.

John G. Nicolay Esquire, Marshal.
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. J. H. Denver, it is ordered that George Ainslie Esquire, of Idaho City, Idaho Territory, be admitted to practice as an attorney and counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. H. Stone, it is ordered that

Josiah L. Hames Esquire, of Kalamazoo, State of Michigan, be admitted to practice as an attorney and counsellor of this Court, and he was sworn accordingly.

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206 | C. C. Arthur, Coll'r, &c. vs. Wm E. Dodge et al. | Aff's in Error. | The argument of this cause was continued by Mr. J. E. Parsons of counsel for the defendant in error, and concluded by Mr. Solicitor General Phillips for the plaintiff in error.

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205 | Theophilus S. Fontaine, vs. John McNair | Appellant. | This cause was argued by Mr. R. T. Moses of counsel for the appellant and by Mr. C. R. Lawton for the appellee.

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207 | William Gunton et al. vs. Ann E. Carroll et al. | Appellants. | The argument of this cause was commenced by Mr. J. D. McPherson of counsel for the appellants.

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Thursday March 15, 1880

Pursuant to adjournment the Court met today at the Capitol.

Present:

The Honorable Morrison R. Waite,	Chief Justice
Nathan Clifford	Associate Justices.
Noah H. Swayne	
Samuel F. Miller	
Stephen J. Field	
William Strong	
Joseph P. Bradley	
John M. Harlan	

John S. Nicolay Esquire, Marshal.
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion, first made to the Court in this behalf by Mr. E. F. Hodges, it is ordered that Bradbury C. Chetwood Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court, and he was sworn accordingly.

On motion, first made to the Court in this behalf by Hon. A. H. Garland, it is ordered

that Freeman K. Compton Esquire, of Little Rock, State of Arkansas, and Charles K. Fisk Esquire of Covington, State of Kentucky, be admitted to practice as attorneys and counsellors of this Court, and they were sworn accordingly.

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207 William Hunton et al. vs. Appellants
Wm C. Carroll et al.

The argument of this cause was continued by Mr. Geo. F. Appleby of counsel for the appellees and concluded by Mr. J. D. McPherson for the appellants.

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208 Adolphus Durant, vs. Appellant.
Chas. S. Storrow et al.

The argument of this cause was commenced by Mr. E. F. Hodges of counsel for the appellant. The Court declined to hear further argument in this cause.

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209 In Union Water Meter Company, vs. Appellant.
William E. Desper et al.

The argument of this cause was commenced by Mr. A. McCallum

Thursday March 18th 1880, continued

of counsel for the appellant.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Friday March 19th 1880

Pursuant to adjournment the Court met today at the Capitol.

Present:

The Honorable Morrison R. Waite	Chief Justice.
Nathan Clifford	Associate Justices.
Noah H. Swayne	
Samuel F. Miller	
Stephen J. Field	
William Strong	
Joseph P. Bradley	
John M. Harlan	

John G. Nicolay Esquire, Marshal.
Daniel Kesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion, first made to the Court in this behalf by Hon. B. F. Jonas, it is ordered that Richard H. Browne Esquire, of New Orleans, State of Louisiana, be admitted to practice as an attorney and counsellor of this Court, and he was sworn accordingly.

On motion, first made to the Court in this behalf by Hon. A. H. Garland, it is ordered

that Zebulon B. Vance Esquire, of Charlotte, State of North Carolina, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

	The Western North Carolina Railroad Company,	
1031	vs. appellant.	On motion of Mr. Vance, leave is hereby granted him to file mo-
	George F. Dieu, Govr &c. et al.	tion to vacate

the order of Justice Bradley approving the appeal bond in this cause.

	The Union Water Meter Co.	The argument of this
209	vs. appellant.	cause was continued
	William E. Desper et al.	by Mr. Andrew McCallum of counsel

for the appellant, by Mr. J. E. Maynadier of counsel for the appellees and concluded by Mr. McCallum for the appellant.

	Ezra Wheeler & Company,	This cause was
211	vs. appellants.	submitted to
	The Factors & Traders Ins. Company et al.	the considera- tion of the

Court on the record and printed arguments by Mr. E. B. Merrick and Mr. A. H. Race of counsel for the appellants and by Mr. Thomas Hunton for the appellees.

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212 The Steamboat "Mayflower" &c. Appellant.
vs.
The Steamboat "Sabine" &c..

This cause was argued by Mr. R. H. Browne and submitted on printed arguments by Mr. C. B. Singleton of counsel for the appellant, and also argued by Mr. J. C. Campbell for the appellee.

Proclamation being made the Court is adjourned until Monday next at twelve o'clock.

Monday March 22nd 1880

Pursuant to adjournment the Court met to-day at the Capitol.

Present-

The Honorable Morrison R. Waite — Chief Justice.
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field — Associate Justices.
William Strong
Joseph P. Bradley
John M. Harlan

John G. Nicolay Esquire, Marshal,
Daniel Kesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion, first made to the Court in this behalf by Mr. F. P. Cuppy, it is ordered that John A. Oliver Esquire, of Washington City, District of Columbia, be admitted to practice as an attorney and counsellor of this Court, and he was sworn accordingly.

On motion, first made to the Court in this behalf by Mr. J. K. M. McPherson, it is ordered

that Francis J. Wright Esquire, of Washington City, District of Columbia, be admitted to practice as an attorney and counsellor of this Court, and he was sworn accordingly.

On motion, first made to the Court in this behalf by Mr. Attorney General Devens, it is ordered that Joseph Healy Esquire, of Boston, State of Massachusetts, be admitted to practice as an attorney and counsellor of this Court, and he was sworn accordingly.

On motion, first made to the Court in this behalf by Mr. Samuel Shellabarger, it is ordered that James E. Munroe Esquire, of Chicago, State of Illinois, be admitted to practice as an attorney and counsellor of this Court, and he was sworn accordingly.

	Edward T. Guy,	In Error to the Balti-
136	vs. Pltff in Error	more City Court of the
	The Mayor & City	State of Maryland.
	Council of Baltimore.	

This cause came on to be heard on the tran-

script of the record from the Baltimore City Court of the State of Maryland, and was argued by counsel. On consideration whereof, it is now here ordered and adjudged by this Court, that the judgment of the said Baltimore City Court in this cause, be, and the same is hereby reversed with costs; and that this cause, be, and the same is hereby remanded to the said Court with directions to set aside the judgment therein against the plaintiff in error and dismiss the action with costs to him against the City.

per Mr. Justice Harlan.

Dissenting:
Mr. Chief Justice Waite

879	The United States, appellants. vs. Francis J. Lippitt.	Appeal from the Court of Claims.

This cause came on to be heard on the transcript of the record from the Court of Claims, and was argued by counsel. On consideration whereof, it is now here ordered and adjudged by this Court, that the judgment of the said

Court of Claims in this cause, be, and the same is hereby affirmed.

per Mr. Justice Harlan.

788	The United States, Appellant. vs. Helen A. Peck, Administratrix of Campbell K. Peck, dec'd and Helen A. Peck, Administratrix of Campbell K. Peck, dec'd, Appellant.	On consideration of the motion to substitute the assignee in bankruptcy in these cases for Mrs. Helen A. Peck, Administratrix of Campbell K. Peck, deceased, it is ordered that said motion, be, and the same is hereby de-
789	vs. The United States.	

nied.

per Mr. Chief Justice Waite.

The United States,
788 vs. Appellant.
Helen M. Peck, Administratrix of Campbell K. Peck, decd

and

Helen M. Peck, Administratrix of Campbell K. Peck, decd,
789 vs. Appellant.
The United States.

Appeals from the Court of Claims.

This cause came on to be heard on the transcript of the record from the Court of Claims on appeal and cross appeal, and was argued by counsel. On consideration whereof: It is now here ordered and adjudged by this Court, that the judgment of the said Court of Claims in this cause, be, and the same is hereby affirmed for the full amount of the award made to the claimant and that an additional amount of twenty-six hundred and sixty dollars should be allowed for the two items of extra expense referred to in the opinion of this Court.

Monday March 22nd 1880, continued

	The Woodbury Patent Planing Machine Co.	Appeal from the Circuit Court of the United States for the District of Massachusetts.
1105	vs. Appellant.	
	Allen H. Keith	

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Massachusetts, and was argued by counsel. On consideration whereof: It is now here ordered, adjudged and decreed by this Court, that the decree of the said Circuit Court in this cause, be, and the same is hereby affirmed with costs.

per Mr Justice Strong.

	Lovell & Bailey, H. S. Bailey J. F. Lovell & F. F. Swathmey,	In Error to the Circuit Court of the United States for the District of La.
196	vs. Pl'ffs in Error.	
	James Davis, Master of the Ship "Adorna"	

This cause came on to be heard on the

transcript of the record from the Circuit Court of the United States for the District of Louisiana, and was argued by counsel— On consideration whereof: It is now here ordered and adjudged by this Court, that the judgment of the said Circuit Court in this cause, be, and the same is hereby affirmed with costs and interest, until paid, at the same rate per annum that similar judgments bear in the Courts of the State of Louisiana.

per Mr. Justice Miller.

The First National Bank of Carlisle Pennsylvania, Hilbur F. Sadler, Receiver,	In Error to the Supreme Court of the State of Pennsylvania.
166 vs. Pl'ffs. in Error.	
Fannie L. Graham.	

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Pennsylvania, and was argued by counsel— On consideration whereof: It is now here ordered and adjudged by this Court, that the judgment of the said Su-

preme Court in this cause, be, and the same is hereby affirmed with costs.

per Mr. Justice Swayne

The Northwestern Mutual Life Insurance Company, Plff. in Error.
vs.
Mary L. Fridley.

In Error to the Circuit Court of the United States for the Eastern District of New York.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of New York, and was argued by counsel. On consideration whereof: It is now here ordered and adjudged by this Court, that the judgment of the said Circuit Court in this cause, be, and the same is hereby affirmed with costs and interest, until paid, at the same rate per annum that similar judgments bear in the Courts of the State of New York.

per Mr. Justice Swayne.

	William Imhaauser,	Appeal from the Circuit Court of the United States for the Southern District of New York.
185	vs. Appellant.	
	Jacob E. Burke.	

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of New York, and was argued by counsel. On consideration whereof: It is now here ordered, adjudged and decreed by this Court, that the decree of the said Circuit Court in this cause be, and the same is hereby affirmed with costs and interest, until paid, at the same rate per annum, that similar decrees bear in the Courts of the State of New York.

per Mr. Justice Clifford.

	The State ex rel. William L. Trenholm, Executor,	In Error to the Supreme Court of the State of South Carolina.
176	vs. Plff in Error.	
	Peter C. Gaillard, County Treasurer of Charleston County	

This cause came on to be heard on the transcript

of the record from the Supreme Court of the State of South Carolina, and was argued by counsel. On consideration whereof: It is now here ordered and adjudged by this Court, that the judgment of the said Supreme Court in this cause, be, and the same is hereby affirmed with costs.

per Mr. Chief Justice Waite

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242 The Pacific Railroad of Missouri, vs. George E. Ketchum, Cornelius K. Garrison, James Seligman, Thomas H. Pierce, The Atlantic & Pacific Railroad Company, Henry T. Tail & James D. Fish, Trustees, James Baker, The Missouri Pacific Railway Company & The National Trust Company of New York.

Appellant.

Appeal from the Circuit Court of the United States for the Eastern District of Missouri.

Monday March 22nd 1880, continued

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Missouri, and was argued by counsel. On consideration whereof: It is now here ordered, adjudged and decreed by this Court, that the decree of the said Circuit Court in this cause, be, and the same is hereby affirmed with costs.

per Mr. Chief Justice Waite.

	N. L. Henry,	Appeal from the Circuit Court of the United States for the District of Nebraska.
193	vs. Appellant.	
	Charles R. Sedgwick, Assignee of Albert Tucker a bankrupt.	

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Nebraska; and was argued by counsel. On consideration whereof: It is now here ordered, adjudged and decreed by this Court, that the decree of the said Circuit Court in this cause, be, and the same is hereby affirmed with costs and interest, until paid, at the rate of six per

cent per annum by stipulation.

per Mr. Chief Justice Waite

	The Florida Central R. R. Co.	On consid-
1072	vs. Appellant.	eration of
	J. Fred. Schutte et al.	the motion
	The Jacksonville, Pensacola	to advance
	and Mobile R. R. Co.	these cases-
1073	vs. Appellant	It is ordered
	J. Fred. Schutte et al.	that said
	and	motion be
	The Western North Carolina	granted and
	R. R. Co.,	that the
1074	vs. Appellant.	causes be
	Sec. F. Drew, Governor &c. et al.	assigned for
		argument

on the second day of the next term, after the cases already assigned for that day.

per Mr. Chief Justice Waite

1118	The Saint Louis Smelting and Refining Company, Plff. in Error. vs. Thomas Kemp et al. and Same vs. Sarah Ray et al.	On consideration of the motion to advance these cases, It is ordered that said motion, be, and the same is hereby denied.

per Mr. Chief Justice Waite.

66	Leonidas Whiteside et al. Appellants. vs. Elvira J. Whiteside.	The motion to vacate the order of dismissal entered in this

cause and to reinstate the same upon the docket was submitted to the consideration of the Court on printed arguments by Mr. S. Shellabarger and Mr. J. M. Wilson in support of the same and by Mr. H. E. Carter in opposition thereto.

926	William L. Dunn et al. Appellants. vs. Wm Butler Duncan et al.	On motion of Mr. Fillmore Beall, leave is

hereby granted the Clerk to issue the mandate in this cause.

N. G. Dowditch Assignee &c. 210 vs. Plff. in Error. The City of Boston.	The argument of this cause was commenced by Mr George H. Morse of counsel for the plaintiff in error

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Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Tuesday March 23rd 1880

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Morrison R. Waite, Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan
} Associate Justices.

John G. Nicolay Esquire, Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened.

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210 C. H. Dowditch, Assignee, &c. vs. The City of Boston. Plff. in Error.

The argument of this cause was continued by Mr. George H. Morse of counsel for the plaintiff in error, and concluded by Mr. J. P. Healy for the defendant in error.

211	The United States, Appellant. vs. F. F. Hopkins.	This cause was argued by Mr. Solicitor General Phillips of counsel for the appellant. No counsel appearing for the appellee.

215	The United States, Appellant. vs. Thomas J. Murray.	This cause was argued by Mr. Solicitor General Phillips of counsel for the appellant and by Mr. Jno. K. Oliver for the appellee.

252	Thomas Branch et al, Appellants. vs. The United States.	This cause was argued by Mr. F. H. McPherson and Mr. Thomas Wilson of counsel for the appellants and submitted on printed arguments by Mr. Attorney General Devens for the appellee.

217	Thomas J. Hollingsworth, Plff. in Error. vs. John T. Flint et al.	This cause was submitted to the

consideration of the Court on the record and printed arguments by Mr. P. Phillips, H. H. Phillips & Mr. D. Cogswood of counsel for the plaintiff in error, and by Mr. C. H. Terrell for the defendant in error

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218 The Merchants National Bank of Little Rock, Plff in Error. vs. The United States.

This cause was submitted to the consideration of the Court on the record and printed argument by Mr. D. C. Brown of counsel for the plaintiff in error, with leave to Mr. Solicitor General Phillips to file brief for the defendant in error.

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219 The Grand Trunk Railway of Canada, Plff in Error. vs. Nathan Walker

This cause was submitted to the consideration of the Court on the record and printed argument by Mr. John Rand of counsel for the plff. in error. No counsel appearing for the defendant in error.

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220 The American Cotton Tie Co. Plff. in Error vs. John A. Klein et al. | On motion of Mr. Pillman leave is hereby granted him to file brief in this cause; with leave to counsel for plaintiff in error to file reply if desired.

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220 The American Cotton Tie Co. Plff. in Error vs. John A. Klein et al. | The argument of this cause was commenced by Mr. J. K. Choate of counsel for the plaintiff in error and continued by Mr. T. B. Pillman for the defendants in error.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Wednesday March 21th 1880

Pursuant to adjournment the Court met today at the Capitol.

Present.

The Honorable Morrison R. Waite — Chief Justice.
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan — Associate Justices.

John G. Nicolay Esquire, Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened.

Jacob Kahl, Appellant.
vs.
Henry B. Hinds
Amos P. Thompson.

951

Mr. H. H. Calkins of counsel for the appellant having filed in open Court a suggestion of a diminution of the record in this cause in the words and figures following to wit:

"That the following depositions duly taken and admitted and read as evidence in the Circuit Court on behalf of the defendants on

the hearing of said cause viz: the depositions of Leroy D. Kibbee, George Crocker, Milo L. Kibbee and Harlow K. Blodgett are omitted from the record sent up to this Court" By reason of which omissions and errors aforesaid, the said counsel now here moved the Court to award a writ of Certiorari, to be directed to the Judges of the Circuit Court of the United States for the District of Indiana, commanding them that, searching the records and proceedings of said Court in this cause, they shall certify to this Court under the seal of the said Circuit Court, whatever omissions and errors shall be found. On consideration whereof and counsel for the appellee consenting thereto: It is now here ordered by this Court, that a writ of Certiorari, be, and the same is hereby awarded to be issued forthwith and to be directed to the Judges of the said Circuit Court, commanding them that, searching the records and proceedings aforesaid, they forthwith certify to this Court under the seal of the said Circuit Court, whatever omissions and

errors, to the extent above enumerated, shall be found in this cause and return the same with the said writ of certiorari forthwith to this Court.

per Mr. Chief Justice Waite.

	The Grand Trunk Railway of Canada,	On motion of Mr. A. T. Strout, leave is hereby granted him
219	vs. Plff in Error.	to file brief in behalf
	Nathan Walker.	of defendant in error

in this cause.

	Ezra Waller & Co.	On motion of Mr. G.
211	vs. appellants.	J. Durant, in behalf
	The Factors & Traders	of Mr. E. P. Merrick,
	Insurance Co. et al.	leave is hereby granted

him to file reply brief for the appellant in this cause.

	The American Cotton	The argument of
	Tie Company,	this cause was con-
220	vs. Plff in Error.	tinued by Mr. A.
	John A. Klein et al.	B. Pittman and
		Mr. W. B. Pittman

of counsel for the defendants in error and concluded by Mr. J. R. Beckwith for the plaintiff in error.

	Duncan S. Cage &trix,	On motion of
221	vs. Appellants	Mr. J. R. Beckwith,
	Albert G. Hall.	leave is hereby granted him to

withdraw his appearance for the appellants in this cause.

	Duncan S. Cage &trix,	This cause was
221	vs. Appellants.	submitted to
	Albert G. Hall.	the considera-

tion of the Court on the record and printed argument by Mr. J. A. Campbell of counsel for the appellee.

	Henry W. Rice &trix,	This cause was sub-
222	vs. Appellants.	mitted to the con-
	Jonathan Edwards, Trustee &c.	sideration of the

Court on the record and printed arguments by Mr. C. K. Davis of counsel for the appellants and by Mr. H. L. Bigelow for the appellee.

Wednesday March 24th 1830, continued

	William K. Burr	This cause was argued
223	vs. Appellant.	by Mr. C. Holmes of
	John S. Myers.	Counsel for the appel-
		lant and by Mr. Jas.

Mc. Johnson for the appellee.

Proclamation being made the Court is ad-
journed until tomorrow at twelve o'clock.

Thursday March 25th 1880.

Pursuant to adjournment the Court met today at the Capitol.

Present

The Honorable Morrison R. Waite, Chief Justice.
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan
} Associate Justices.

John G. Nicolay Esquire, Marshal
Daniel Kesley Middleton, Clerk.

Proclamation being made the Court is opened.

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221 | Dallas County, vs. Appellant. Alfred Heidekoper. | This cause was argued by Mr. Joseph Shippen of counsel for the appellee and submitted on printed arguments by Mr. S. H. Boyd for the appellant.

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225 | Dallas County, vs. Plff. in Error. Alfred Heidekoper. | This cause was argued by Mr. Joseph Shippen of counsel for the ap-

fuller and submitted on printed arguments by Mr. S. H. Boyd for the appellant.

Dallas County,
226 vs. Appellant
William H. Davis

This cause was argued by Mr. Joseph Shippen of counsel for the appellee and submitted on printed arguments by Mr. S. H. Boyd for the appellant.

H. D. Hunnicut et al,
227 vs. Plffs. in Error.
Dalie Peyton et al.

Mr. V. Phillips suggested the death of Dalie Peyton one of the defendants in error in this cause, and moved the Court that his only heirs John B. Peyton and Emily T. Peyton be made parties in his stead: Whereupon it is ordered that the said John B. Peyton and Emily T. Peyton, heirs of Dalie Peyton deceased as aforesaid be entered and made parties defendant in error in this cause.

H. D. Hunnicut et al,
227 vs. Plffs. in Error.
Dalie Peyton, heirs et al.

The argument of this cause was commenced by Mr.

Thursday March 25th 1880, continued

L. H. Goodrich of counsel for the plaintiff in error and continued by Mr. T. Hillyer and Mr. S. A. Fisher of counsel for the defendants in error.

179	The United States, Appellant. vs. Francis J. Kipphill.	On motion of Mr. Jno. Lowndes, leave is hereby granted the Clerk to issue the mandate in this cause.

Proclamation being made the Court is adjourned until Monday next at twelve o'clock.

Monday March 29th 1880.

Pursuant to adjournment the Court met today at the Capitol.

Present.

The Honorable Morrison R. Waite — Chief-Justice
Nathan Clifford — Associate Justices
Noah H. Swayne — Associate Justices
Samuel F. Miller — Associate Justices
Stephen J. Field — Associate Justices
William Strong — Associate Justices
Joseph P. Bradley — Associate Justices
John M. Harlan — Associate Justices

John G. Nicolay Esquire, Marshal.
Daniel Risley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion, first made to the Court in this behalf by Mr. Attorney General Devens, it is ordered that W. M. Beckner Esquire, of Winchester, State of Kentucky, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. H. H. Smith, it is ordered

that Henry C. Thatcher Esquire, of Pueblo, State of Colorado, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William Vorshuimer, it is ordered that Edward Hunt jr. Esquire, of Bay Ridge, Kings County, State of New York, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

Laura Ellen Jones widow and Executrix and Tutrix of the minor heirs of Sidney F. Stockdale deceased late Collector of Internal Revenue

vs. Pltff in Error.

W. G. Hackwell.

In Error to the Circuit Court of the United States for the District of Louisiana.

189

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District

of Louisiana, and was argued by counsel - On consideration whereof: It is now here ordered and adjudged by this Court, that the judgment of the said Circuit Court in this cause, be, and the same is hereby reversed with costs. And that this cause, be, and the same is hereby remanded to the said Circuit Court for further proceedings to be had therein, in conformity with the opinion of this Court.

per Mr. Justice Harlan.

1175 Edward J. Gay, Appellant: vs Charles C. Miller, Mrs. Fergus Penston, Mrs. Emilie Felicie Allain, Charles Whiting and Andrew K. Brown, Executors of George F. Miller, deceased, and the Grand Lake Coal Co.

Appeal from the Circuit Court of the United States for the District of Louisiana.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Louisiana, and was argued by counsel - On consideration whereof: It is now here ordered,

adjudged and decreed by this Court, that the decree of the said Circuit Court in this cause, be, and the same is hereby affirmed with costs and interest, until paid, at the same rate per annum, that similar decrees bear in the Courts of the State of Louisiana.

per Mr. Justice Bradley.

	Mrs. Widow B. Elmas	In Error to the
116	vs. Aff. in Error.	Circuit Court of
	John Cochrum & William	the United States
	F. Talsey, Receivers of the	for the District
	New Orleans National	of Louisiana.
	Banking Association.	

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Louisiana, and was argued by counsel. On consideration whereof: It is now here ordered and adjudged by this Court, that the judgment of the said Circuit Court in this cause, so far as it gives a privilege upon the property attached, with recourse on

the principal and sureties on the bond upon which the property attached was released, &c, and the same is hereby reversed; in all other respects the judgment is affirmed. Costs in this Court to be paid by the defendants in error.

per Mr. Justice Bradley.

Palmer W. Smith and Jobe R. Renick, Administrators of Renick Ruston, deceased, and Edward J. Van Meter, Administrator &c. of Thomas J. Renick, deceased.

31 vs. Appellants.

James C. Dyer, Frederick Dyer, Albert G. Cook, Joel D. Harvey et al.

Appeal from the Circuit Court of the United States for the Northern District of Illinois.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Northern District of Illinois, and was argued by counsel. On consideration whereof: It is now here ordered, adjudged and decreed by this Court, that

the decree of the said Circuit Court in this cause, be, and the same is hereby reversed with costs: And that this cause, be, and the same is hereby remanded to the said Circuit Court, with directions to enter a decree that the defendants, Ayer & Company, surrender the note of Harvey taken by them to the complainants, the administrators de bonis non of the estate of Renick Huston: And that all other parties be enjoined from interfering with their collection of the said note.

per Mr. Justice Field.

Palmer C. Smith and Jol R. Renick, Administrators of Renick Huston, deceased; and Edward J. Van Meter, Administrator of Thomas J. Renick, deceased.

vs

The First National Bank of Keokuk, Mass, Joel D. Harvey, Henry H. Porter, William H. Kerr et al.

Appeal from the Circuit Court of the United States for the Northern District of Illinois.

37

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Northern District of Illinois, and was argued by counsel. On consideration whereof: It is now here ordered, adjudged and decreed by this Court, that the decree of the said Circuit Court in this cause, be, and the same is hereby reversed with costs: And that this cause, be, and the same is hereby remanded to the said Circuit Court with directions to enter a decree that the defendants the First National Bank of Weston surrender the note of Harrywild Wyatt to the complainants the administrators de bonis non of the Estate of Renick Huston: And that all other parties be enjoined from interfering with their collection of the said note.

per Mr. Justice Field.

	George H. Thomas, Alfred D. Porter & Nathaniel F. Thurston		Appeal from the Circuit Court of the United States for the Eastern District of Penn
169	vs.	Pltfs. in Error:	
	The West Jersey Railroad Company.		

Sylvania.

This cause came on to be heard on the Transcript of the record from the Circuit Court of the United States for the Eastern District of Pennsylvania, and was argued by counsel. On consideration whereof: It is now here ordered, adjudged and decreed by this Court, that the decree of the said Circuit Court in this cause, &c, and the same is hereby affirmed with costs.

per Mr. Justice Miller.

Dissenting.
Mr. Justice Harlan

Mr. Justice Bradley was not present at the argument and took no part in the decision of this cause.

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198 The Howe Machine Company, Plff. in Error. | In Error to the Supreme Court of the State of Tennessee.
vs.
Jesse Cage Clerk of the County Court of Sumner County.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Tennessee, and was argued by counsel. On consideration whereof it is now here ordered and adjudged by this Court, that the judgment of the said Supreme Court in this cause, be, and the same is hereby affirmed with costs.

per Mr. Justice Swayne.

176	Sarah S. Walden, Appellant vs. Darius S. Trimmer & Charles S. Hardee & John N. Lewis, Executors of Charles S. Henry, deceased.	Appeal from the Circuit Court of the United States for the Southern District of Georgia.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of Georgia, and was argued by counsel. On consideration whereof it is now here ordered, adjudged and decreed by this Court, that the decree of the said Circuit Court in this cause,

be, and the same is hereby reversed: And that this cause, be, and the same is hereby remanded to the said Circuit Court for further proceedings to be had therein in conformity with the opinion of this Court. Costs in this Court to be paid by James S. Skinner.

per Mr. justice Clifford.

The Memphis & Charleston Railroad Company, Plff. in Error.	In Error to the Supreme Court of the State of Tennessee.
5 vs.	
The State of Tennessee, & Samuel Watson, Trustee of the Bank of Tennessee.	

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Tennessee, and was argued by counsel. On consideration whereof: It is now here ordered, adjudged and decreed by this Court, that the decree of the said Supreme Court in this cause, be, and the same is hereby affirmed with costs.

per Mr. Chief justice Waite.

Dissenting:
Mr. jus. Swayne,
" " Strong

	The South and North Alabama Railroad Co.	In Error to the Supreme Court of the State of Alabama.
22	vs. Plff. in Error.	
	The State of Alabama.	

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Alabama, and was argued by counsel. On consideration whereof: It is now here ordered, adjudged and decreed by this Court, that the decree of the said Supreme Court in this cause, be, and the same is hereby affirmed with costs.

per Mr. Chief Justice Waite.

Dissenting:
Mr. Justice Swayne.

Mr. Justice Strong did not sit in this cause and took no part in the decision.

	Joseph M. Douglass,	In Error to the Circuit Court of the United States for the Eastern District of Missouri.
155	vs. Plff. in Error.	
	Pike County, Missouri.	

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Missouri, and was argued by counsel. On consideration whereof: It is now here ordered and adjudged by this Court, that the judgment of the said Circuit Court in this cause, be, and the same is hereby reversed with costs: And that this cause, be, and the same is hereby remanded to the said Circuit Court with directions to over rule the demurrer to the petition and for such further proceedings not inconsistent with the opinion of this Court as law and justice may require.

per Mr. Chief Justice Waite.

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150 Smedley Darlington, Plff in Error: vs. The County of Jackson. | In Error to the Circuit Court of the United States for Eastern District of Missouri.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the

Western District of Missouri, and was argued by counsel. On consideration whereof: It is now here ordered and adjudged by this Court, that the judgment of the said Circuit Court in this cause, be, and the same is hereby reversed with costs: And that this cause, be, and the same is hereby remanded to the said Circuit Court, with directions to overrule the demurrer to the petition and for such further proceedings not inconsistent with the opinion of this Court in the case of Douglass vs. Pike County, as law and justice may require.

per Mr. Chief Justice Waite.

	Elisha Foote,	In Error to the Circuit
131	vs. Plff. in Error.	Court of the United
	The County of Pike in	States for the Eastern
	the State of Missouri.	District of Missouri.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Missouri, and was argued by counsel. On consideration whereof: It is now here ordered

and adjudged by this Court, that the judgment of the said Circuit Court in this cause, be, and the same is hereby reversed with costs: And that this cause, be, and the same is hereby remanded to the said Circuit Court with directions to overrule the demurrer to the petition and for such further proceedings not inconsistent with the opinion of this Court in the case of Douglass vs. Pike County as law and justice may require.

per Mr. Chief Justice Waite

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205 Theophilus S. Fontaine, Appellant. vs. John McNab.

Appeal from the Circuit Court of the United States for the Southern District of Georgia.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of Georgia, and was argued by counsel. On consideration whereof: It is now here ordered, adjudged and decreed by this Court, that the decree of the said Circuit Court

in this cause, be, and the same is hereby affirmed with costs.

per Mr. Chief Justice Waite.

Elliott B. Tonder,
Appellant.
vs.
Lavinia L. DeLaunay and Corinne DeLaunay, Admx's of Gustavus DeLaunay Admr of Benjamin May, deceased.

Appeal from the Circuit Court of the United States for the Southern District of Georgia.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of Georgia, and was argued by counsel. On consideration whereof: It is now here ordered, adjudged and decreed by this Court, that the decree of the said Circuit Court in this cause, be, and the same is hereby affirmed with costs.

per Mr. Chief Justice Waite.

208	Adolphus Durant, vs Charles S. Storrow, Edward S. Sand, the Essex Company, John T. Buttrick, James K. Fellows, and Charles P. Talbot Exrs of Jno. Nesmith decd, Caleb Saunders Admr of Daniel Saunders decd & Saml Lawrence. Appellant.	Appeal from the Circuit Court of the United States for the District of Massachusetts.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Massachusetts, and was argued by counsel. On consideration whereof: It is now here ordered, adjudged and decreed by this Court, that the decree of the said Circuit Court in this cause, be, and the same is hereby affirmed with costs.

per Mr. Chief Justice Taney.

206

Chester A. Arthur, Collector, of the Port of New York, Plff. in Error.
vs
William E. Dodge, Daniel James, James Stokes, William E. Dodge jr., D. Willis James, Edson P. Stokes, Charles E. Dodge and Thomas Stokes as Phelps, Dodge & Co.

In Error to the Circuit Court of the United States for the Southern District of New York.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of New York, and was argued by counsel. On consideration whereof: It is now here ordered and adjudged by this Court, that the judgment of the said Circuit Court in this cause, be, and the same is hereby affirmed with costs and interest, until paid, at the same rate per annum that similar judgments bear in the Courts of the State of New York.

per Mr. Chief Justice Waite.

211	The United States, Appellant. vs. E. K. Hopkins.	Appeal from the Court of Claims.

This cause came on to be heard on the transcript of the record from the Court of Claims, and was argued by counsel. On consideration whereof: It is now here ordered and adjudged by this Court, that the judgment of the said Court of Claims in this cause, &c, and the same is hereby reversed: And that this cause, be, and the same is hereby remanded to the said Court of Claims with directions to dismiss the petition.

per Mr. Chief Justice Waite.

843	The Davenport & Northwestern Railway Company, Plff in Error. vs. Renwick, Shaw & Crossett.	In Error to the Supreme Court of the State of Iowa.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Iowa, and was argued

by counsel - On consideration whereof: It is now here ordered and adjudged by this Court, that the judgment of the said Supreme Court in this cause, be, and the same is hereby affirmed with costs.

per Mr. Chief Justice Waite.

Leonidas Whiteside & Elizabeth Burris,		On consideration of the motion to rescind the order dismissing this cause under Rule 16, and of the argument
66	vs. Appellants.	
Elvira J. Whiteside.		

of counsel thereupon, as well in support of as against the same - It is ordered that said motion, be, and the same is hereby denied.

per Mr. Chief Justice Waite.

The New Orleans Gas Light Company),		Mr. D. A. Labatt, by leave of the Court first obtained, filed and submitted to the consideration of the Court motion and
500 & 75	vs. Writ in Error.	
The Crescent City Gas Light Company		

brief in support of same - to rescind the order

entered at the October Term, 1875, dismissing the writ of error in this cause and to re docket the cause.

1152 The Pueblo & Arkansas Valley Railroad Co., Appellant. vs. The Denver & Rio Grande Railway Company, and

1153 The Pueblo & Arkansas Valley Railroad Co., Appellant. vs. The Denver & Rio Grande Railway Company.

On motion of Mr. J. M. Wilson and stipulation of counsel on file - It is ordered that these appeals be docketed nunc pro tunc as of the 25th of March 1880.

	The Denver & Rio Grande Railway Co.	
1135	vs. Appellant.	
	The Canon City & San Juan Railway Co.	
	& The Pueblo & Arkansas Valley Railroad Co.	Appeals from the Circuit Court of the United States for the District of Colorado.
	The Pueblo & Arkansas Valley Railroad Co,	
1152	vs Appellant.	
	The Denver & Rio Grande Railway Co.	
	The Denver & Rio Grande Railway Co,	
1136	vs. Appellant.	
	The Pueblo & Arkansas Valley Railroad Co.	
	and	
	The Pueblo & Arkansas Valley Railroad Co,	
1153	vs. Appellant.	
	The Denver & Rio Grande Railway Co.	

These causes came on to be heard on the transcripts of the records from the Circuit Court of the United States for the District of Colorado, on appeals and cross appeals, and on the stipulation of counsel for the respective parties on file, and on motion of Mr. J. M. Wilson of counsel for the Denver & Rio Grande Railway Company in open Court, Mr. N. H. Smith of counsel for the Pueblo and Arkansas Valley Railroad Company being present and con-

senting thereto: It is now here ordered, adjudged and decreed by this Court, that these appeals be, and the same are hereby dismissed, nunc pro tunc as of the 25th of March, 1858, each party paying their own costs.

per Mr. Chief Justice Taney.

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227 | N. L. Hunnicut et al, vs. Appellants in Error. Dalia Peyton's Heirs et al. | The argument of this cause was concluded by Mr. Mah. H. Carpenter of counsel for the plaintiffs in error.

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228 | Hosea Ball et al, vs. Appellants. Justin Langles et al. | The argument of this cause was commenced by Mr. Thomas J. Durant of counsel for the appellants and continued by Leigh Robinson for the appellees.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Tuesday March 30th 1869

Pursuant to adjournment the Court met to-day at the Capitol.

Present:

The Honorable Morrison R. Waite	Chief Justice
Nathan Clifford	Associate Justices.
Noah H. Swayne	
Samuel F. Miller	
Stephen J. Field	
William Strong	
Joseph P. Bradley	
John M. Harlan	

John F. Nicolay, Esquire, Marshal
Daniel Kesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf Mr. George A. Williams, it is ordered that Lorenzo D. Latimer Esquire of San Francisco, State of California, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

	S. W. Gates et al.	On motion of Mr. H.
96	vs. Plffs. in Error.	St. Maury, leave is
	James L. Goodlac, Exer	herein granted the
	of R. C. Brinkley, dec'd.	Clerk to issue the
		mandate in this

cause.

	Hiram Rogers,	On motion of Mr. George
611	vs. Appellant	H. King, it is ordered that
	Robert Reade,	William L. Rogers and Dav-
	and	id K. Hillman, Executors,
	Hiram Rogers,	and William L. Rogers,
615	vs. Appellant	Mary F. Hillman, Emma
	Robert Reade.	R. Wood and Emma F.
		Barbox, heirs and devisees

of Hiram Rogers, deceased, be intered as the parties appellants in these cases.

Tuesday March 30th 1880, continued

William L. Rogers and David H. Hellman, Executors, & William L. Rogers, Mary R. Hellman, Annie R. Hood & Emma L. Barbour heirs & devisees of Hiram Rogers, decd.		Appeal from the Circuit Court of the United States for the District of Minnesota.
611	vs.	Appellants.
	Robert Reade.	

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Minnesota, and on the stipulation of counsel for the respective parties on file and motion of Mr. H. C. King in behalf of counsel: It is now here ordered, adjudged and decreed by this Court, that this appeal, be, and the same is hereby dismissed with costs.

per Mr. Chief Justice Waite.

William L. Rogers and David R. Hellman, Executors, & William L. Rogers, Mary R. Hellman, Annie R. Wood & Emma R. Farbox, heirs & devisees of Hiram Rogers, decd. Appellants.	Appeal from the Circuit Court of the United States for the District of Minnesota.
685 Robert Reade.	

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Minnesota, and on the stipulation of counsel for the respective parties on file, and on motion of Mr. S. C. King in behalf of counsel: It is now here ordered, adjudged and decreed by this Court, that this appeal, be, and the same is hereby dismissed with costs.

per Mr. Chief Justice Waite

684	Wm L. Rogers et al Exrs &c., vs. Robert Reade, and Same vs. Same.	Appellants.	On motion of Mr. Geo. A. King leave is hereby

granted the Clerk to issue the mandates in these cases.

228	Rosa Ball et al, vs. Justin Langles et al.	Appellants.	The argument of this cause was continued by Mr. Leigh Robinson of counsel for

the appellees and concluded by Mr. G. J. Durant for the appellants.

229	The Brooklyn City and Newton Railroad Co. vs. The National Bank of the Republic of New York.	Plff in Error	This cause was argued by Mr. William Dorsheimer of counsel for the plaintiff in error,

and by Mr. Thomas N. Todman for the defendant in error.

Thursday March 30th 1880, continued

231 George B. Johnson, Plff. in Error vs. The State ex rel Allen Jamel, Auditor &c.

This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. John Ray of counsel for the plaintiff in error, and by Mr. J. D. McPherson for the defendant in error

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Proclamation being made the Court is adjourned until tomorrow at twelve o'clock

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Wednesday March 31 - 1880

Pursuant to adjournment the Court met to day at the Capitol -

Present -

The Honorable Morrison R. Waite, Chief Justice.
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan
Associate Justices.

John G. Nicolay Esquire, Marshal
Daniel Kesley Middleton, Clerk.

Proclamation being made the Court is opened.

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232. The County of Livingston, Plff in Error. vs. Smedley Darlington.

This cause was argued by Mr. R. T. Merrick of counsel for the plaintiff in error and by Mr. Wayne McVeagh for the defendant in error.

	George Parks et al.	The argument of this
233	vs. Appellants	cause was commenc-
	Jonathan L. Booth	ed by Mr. T. B. Kerr
		of counsel for the ap-

pellants (by leave of Court.)

Proclamation being made the Court is ad-
journed until tomorrow at twelve o'clock.

Thursday April 1st 1880.

Pursuant to adjournment the Court met today at the Capitol.

Present

The Honorable Morrison R. Waite	Chief Justice.
Nathan Clifford	Associate Justices.
Noah H. Swayne	
Samuel F. Miller	
Stephen J. Field	
William Strong	
Joseph Bradley	
John M. Harlan	

John G. Nicolay Esquire, Marshal
Daniel Kelly Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. J. L. McPherson, it is ordered that Tryon Hughes Edwards Esquire, of Hagerstown, State of Maryland, and L. M. Porter Esquire, of New York City, State of New York, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this

behalf by Mr. H. F. Mallingly, it is ordered that Solomon Draper Esquire, of Niobrara, State of Nebraska, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Hon. Wm M. Evarts, it is ordered that Charles N. Russell, junior, of New York, State of New York, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

233	George Parks et al. vs. Jonathan L. Booth.	The argument of this cause was continued by Mr. T. B. Kerr of Counsel for the appellants, by Mr. H. F. Cogswell of counsel for the appellee and concluded by Mr. Kerr for the appellants.

234	The 1st Nat'l Bank of Cincinnati, Plff. in Error. vs. Frederick Burkhardt.	The argument of this cause was com-

moved by Mr. T. D. Lincoln of counsel for the appellant.

	Hugh Shaw et al.	On motion of Mr.
147	vs. Pltfs. in Error.	R. H. Wilson, leave
	The Merchants National	is hereby granted the
	Bank of St. Louis.	Clerk to issue the
		mandate in this

cause.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Friday April 2nd 1880.

Pursuant to adjournment the Court met today at the Capitol

Present

The Honorable Morrison R. Waite — Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan — Associate Justices.

John G. Nicolay Esquire, Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened

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234 The 1st National Bank of Cincinnati, vs. Pltf. in Error
Frederick Burkhardt

The argument of this cause was continued by Mr. F. D. Lincoln of counsel for the plaintiff in error, by Mr. Geo. R. Sage for the defendant in error, and concluded by Mr. Lincoln for the plaintiff in error

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235

The Richmond and Petersburg Railroad Company,
vs. Plaintiff in Error.
Edward Mayo, Executor of Edward C. Mayo decd; Isaac Davenport jr; Robert Edmond & Isaac Davenport jr, partners under the firm name and style of Edmond & Davenport; James K. Blair, Lewis Webb; Charles S. Mills, Executor of Claudius Crozet, decd; Mrs. C. A. Jones, A. R. Christian, Henry Fink, Andrew E. Ellett, The Old Dominion Insurance Company & A. L. Townes.

In Error to the Supreme Court of Appeals of the State of Virginia.

This cause came on to be heard on the transcript of the record from the Supreme Court of Appeals of the State of Virginia, and the plaintiff in error having been three times solemnly called by the Marshal to come into Court and prosecute its writ of error, and failing to appear: This, thereupon, in pursuance of the 16th Rule of this Court and on the motion of Mr. R. A. Maury of counsel for the defend-

ants in error, now here ordered, adjudged and decreed by this Court, that this cause, be, and the same is hereby dismissed with costs. And that this cause, be, and the same is hereby remanded to the said Supreme Court of Appeals, to be proceeded in according to law and justice.

per Mr. Chief Justice Waite

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239 William S. Langford, appellant vs. The United States.

The argument of this cause was commenced by Mr. B. F. Butler of counsel for the appellant and continued by Mr. Attorney General Devens for the appellee.

Proclamation being made the Court is adjourned until Monday next at twelve o'clock.

Monday April 5th 1880.

Pursuant to adjournment the Court met today at the Capitol.

Present:

The Honorable Morrison R. Waite	Chief Justice.
Nathan Clifford	Associate Justices.
Noah H. Swayne	
Samuel F. Miller	
Stephen J. Field	
William Strong	
Joseph P. Bradley	
John M. Harlan	

John G. Nicolay Esquire Marshal
Daniel Kesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. R. T. Merrick, it is ordered that James C. Allen Esquire, of Buffalo, State of New York, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Cortlandt Parker, it is ordered

that John C. Heald Esquire, of Washington City, District of Columbia, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

191	Robert F. Silliman, James M. Matthews, Henry K. Hazard & Chas. C. Silliman, vs. The United States, and The United States, vs. Robert F. Silliman, James M. Matthews, Henry K. Hazard & Chas. C. Silliman	Appellants. Appellant. Appeals from the Court of Claims.
195		

This cause came on to be heard on the transcript of the record from the Court of Claims on appeal and cross appeal, and was argued by counsel. On consideration whereof it is now here ordered and adjudged by this Court, that the judgment of the said Court of Claims in this cause, be, and the is hereby affirmed.

Per Mr. Justice Harl

57 William S. Manning, Aff. in Error. vs. The John Hancock Mutual Life Insurance Company. | In Error to the Circuit Court of the United States for the Southern District of New York.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of New York, and was argued by counsel. On consideration whereof: It is now here ordered and adjudged by this Court, that the judgment of the said Circuit Court in this cause, be, and the same is hereby affirmed with costs and interest, until paid, at the same rate per annum that similar judgments bear in the Courts of the State of New York.

per Mr. Justice Strong.

207

William Hunton, J. R. B. Smith, J. R. C. Coffin & E. Dimpfl, Appellants.
vs.
Chas. C. Carroll and Maria C. Fitzhugh Executrixes of Daniel Carroll, dec'd. et al.

Appeal from the Supreme Court of the District of Columbia.

This cause came on to be heard on the transcript of the record from the Supreme Court of the District of Columbia, and was argued by counsel. On consideration whereof: It is now here ordered, adjudged and decreed by this Court, that the decree of the said Supreme Court in this cause, be, and the same is hereby reversed with costs: And that this cause, be, and the same is hereby remanded to the said Supreme Court for further proceedings to be had therein in conformity with the opinion of this Court.

per Mr. Justice Miller.

Alexander H. Bowditch, Assignee of the estate of Charles F. Hall a bankrupt.

210 vs. Plff. in Error.

The City of Boston.

In Error to the Circuit Court of the United States for the District of Massachusetts.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Massachusetts, and was argued by counsel. On consideration whereof: It is now here ordered and adjudged by this Court, that the judgment of the said Circuit Court in this cause, be, and the same is hereby affirmed with costs.

per Mr. justice Swayne.

The Steamboat "May Flower" Edgar Mott owner et al,

212 vs. Appellants.

The Steamboat Sabine, Richard Sinnott et al.

Appeal from the Circuit Court of the United States for the District of Louisiana.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Louisiana, and was argued by counsel. On consideration whereof: It is now here ordered, adjudged and decreed by this Court, that the decree of the said Circuit Court in this cause, be, and the same is hereby affirmed with costs.

per Mr. Justice Clifford.

The Merchants National Bank of Little Rock, vs. The United States

218

In Error to the Circuit Court of the United States for the Eastern District of Arkansas.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Arkansas, and was argued by counsel. On consideration whereof: It is now here ordered and adjudged by this Court, that the judgment of the said Circuit

Court in this cause, be, and the same is hereby affirmed.

per Mr. Chief Justice Waite.

Henry M. Rice and Matilda H. Rice, his wife,		Appeal from the Circuit Court of the United States for the District of Minnesota.
111	vs. Appellants.	
Jonathan Edwards, Trustee.		

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Minnesota, and was argued by counsel. On consideration whereof: It is now here ordered, adjudged and decreed by this Court, that the decree of the said Circuit Court in this cause, be, and the same is hereby affirmed with costs and interest, until paid, at the same rate per annum that similar decrees bear in the Courts of the State of Minnesota.

per Mr. Chief Justice Waite.

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225 | Dallas County. vs. Alfred Huidekoper. | In Error to the Circuit Court of the United States for the Western District of Missouri.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Western District of Missouri, and was argued by counsel. On consideration whereof: It is now here ordered and adjudged by this Court, that the judgment of the said Circuit Court in this cause, be, and the same is hereby affirmed with costs and interest until paid at the same rate per annum that similar judgments bear in the Courts of the State of Missouri.

per Mr. Chief Justice Taite.

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224 | Dallas County, in the State of Missouri, vs. Alfred Huidekoper. | Appeal from the Circuit Court of the United States for the Western District of Missouri.

Monday April 5th 1886, continued

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Western District of Missouri, and was argued by counsel. On consideration whereof: It is now here ordered, adjudged and decreed by this Court, that the decree of the said Circuit Court in this cause be, and the same is hereby affirmed with costs.

per Mr. Chief Justice Waite.

Dallas County in the State of Missouri,	Appeal from the Circuit Court of the United States for the Western District of Missou-
236 vs. Appellant.	
William H. Davol.	

ri.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Western District of Missouri, and was argued by counsel. On consideration whereof: It is now here ordered, adjudged and decreed by this Court, that the decree of the said Circuit

Court in this cause, be, and the same is hereby affirmed with costs.

per Mr. Chief Justice Waite.

Frank Shaw and David S. Greenough jr. vs. The Little Rock & Ft. Smith Railway et al.

160

Appellants.

Appeal from the Circuit Court of the United States for the Eastern District of Arkansas.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Arkansas, and was argued by counsel. On consideration whereof it is now here ordered, adjudged and decreed by this Court, that the decree of the said Circuit Court in this cause, be, and the same is hereby affirmed with costs.

per Mr. Chief Justice Waite.

	The United States, Appellant. vs. Thomas J. Murray.	Appeal from the Court of Claims.
215		

This cause came on to be heard on the transcript of the record from the Court of Claims, and was argued by counsel. On consideration whereof: It is now here ordered and adjudged by this Court, that the judgment of the said Court of Claims in this cause, be, and the same is hereby reversed: And that this cause, be, and the same is hereby remanded to the said Court of Claims with directions to dismiss the petition.

per Mr. Chief Justice Waite.

	Duncan S. Cage and Sarah Jane Connell Cage, his wife, Appellants. vs. Albert G. Walle.	Appeal from the Circuit Court of the United States for the District of Louisiana.
221		

This cause came on to be heard on the transcript of the record from the Circuit Court

of the United States for the District of Louisiana, and was argued by counsel. On consideration whereof: It is now here ordered, adjudged and decreed by this Court, that the decree of the said Circuit Court in this cause, be, and the same is hereby affirmed with costs.

per Mr. Chief Justice Waite.

Thomas Branch, Thomas Branch, Administrator of James R. Branch, deceased, John N. Branch, Frederick R. Scott, and Thomas N. Branch, partners under the firm name of Thos. Branch and Company.

252 vs. Appellants.

The United States.

Appeal from the Court of Claims.

This cause came on to be heard on the transcript of the record from the Court of Claims, and was argued by counsel. On consideration whereof: It is now here ordered and adjudged by this Court, that the

judgment of the said Court of Claims in this cause, be, and the same is hereby affirmed.

Per Mr. Chief Justice Waite.

The Grand Trunk Railway of Canada, Pltf. in Error.
vs.
Nathan Walker.

In Error to the Circuit Court of the United States for the District of Maine.

719

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Maine

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Maine, and was argued by counsel. On consideration whereof: It is now here ordered and adjudged by this Court, that the judgment of the said Circuit Court in this cause, be, and the same is hereby affirmed with costs and interest until paid at the same rate per annum

that similar judgments bear in the Courts of the State of Maine.

per Mr. Chief Justice Waite

George D. Johnson,	In Error to the
231 vs. Pff. in Error.	Supreme Court of
The State ex rel Chas	the State of Louisi-
Jumel, Auditor.	ana.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Louisiana, and was argued by counsel. On consideration whereof, it is now here ordered and adjudged by this Court, that the judgment of the said Supreme Court in this cause, be, and the same is hereby affirmed with costs.

per Mr. Chief Justice Waite.

The New Orleans Gas	On consideration
Light Company,	of the motion to
500 of 1875 vs. Pff. in Error.	rescind the order
The Crescent City Gas	dismissing the
Light Company et al	writ of error in
	this cause under

stipulation filed at October Term, 1875, it is ordered that said motion, be, and the same is hereby denied.

per Mr. Chief Justice Waite.

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223 | William H. Burr, vs. John S. Myers. | Appeal from the Supreme Court of the District of Columbia.

This cause came on to be heard on the transcript of the record from the Supreme Court of the District of Columbia, and was argued by counsel. On consideration whereof: It is now here ordered, adjudged and decreed by this Court, that this appeal, be, and the same is hereby dismissed. Each party paying their own costs.

per Mr. Chief Justice Waite.

The Chief Justice announced that the Court would adjourn for the term on Monday, May 10th, and that no case would be called for argument after Friday, April 30th.

	The Denver & Rio Grande R. R. Co.,	On motion
1135	vs. Appellant.	of Mr. J. M.
	The Pueblo & Arkansas Valley R. R. Co.	Wilson. It
	and	is ordered
	The Pueblo & Arkansas Valley R. R. Co.,	that leave
1154	vs. Appellant.	be granted
	The Denver & Rio Grande R. R. Co.	the Clerk
	The Denver & Rio Grande R. R. Co.,	to issue the
1136	vs. Appellant.	mandates in
	The Pueblo & Arkansas Valley R. R. Co.	these cases
	and	nunc pro
	The Pueblo & Arkansas Valley R. R. Co.,	tunc as of
1153	vs. Appellant.	the 25th of
	The Denver & Rio Grande R. R. Co.	March, 1880.

	The New Orleans National	On motion of
	Banking Association,	Mr. C. Case,
940	vs. Appellant.	leave is hereby
	The New Orleans Mutual	granted the
	Insurance Association et al.	Clerk to issue
		the mandate

in this cause.

558	T. E. & Edmund L. Brown; vs. John D. F. Slee et al.	Mr. H. H. Smith called up motion for additional security in this

cause and on motion of Mr J. C. Heald, it is ordered that the hearing of said motion be postponed until the 19th instant.

242	The Pacific Railroad of Missouri, vs. George E. Ketchum et al.	On motion of Mr. H. St. Cowdrey, leave is hereby granted him to file petition in this cause, and on

motion of Mr. Geo. F. Edmunds, it is ordered that the hearing of said petition be postponed until Monday next.

Monday April 5th 1880, continued

	Merritt Cox et al,	On motion of Mr.
183	vs. Plffs. in Error	Fillmore Beall,
	The National Bank of	leave is hereby grant-
	the State of New York	ed the Clerk to
	and	issue the mandates
	Merritt Cox et al,	in these cases.
184	vs. Plffs. in Error.	
	The National Bank of	
	the State of New York.	

	William G. Langford,	The argument of
239	vs. Appellant.	this cause was con-
	The United States.	tinued by Mr. Att-
		orney General

Devens of counsel for the appellee and con-
cluded by Mr. Thomas Wilson of counsel for
the appellant.

	William G. Langford,	This cause was
111	vs. Plff. in Error.	argued by Mr. D.
	Charles E. Monteith.	F. Butler of coun-
		sel for the plain-

tiff in error and by Mr. Attorney General
Devens for the defendant in error

Monday April 5th 1880, continued

B. Huntington Wright,
238 vs. Pltf. in Error.
Levi Blakeslee.

This cause was argued by Mr. Solicitor General Phillips of counsel for the defendant in error and submitted on printed argument by Mr. T. C. Miller for the plaintiff in error.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Tuesday April 6th 1880

Pursuant to adjournment the Court met today at the Capitol.

Present.

The Honorable Morrison R. Waite	Chief Justice
Nathan Clifford	Associate Justices
Noah H. Swayne	
Samuel F. Miller	
Stephen J. Field	
William Strong	
Joseph P. Bradley	
John M. Harlan	

John G. Nicolay Esquire, Marshal.
Daniel Chester Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Cortlandt Parker, it is ordered that Elijah Strong Cowles Esquire, of Jersey City, State of New Jersey, be admitted to practice as an attorney and counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Hon. Roscoe Conkling. It is ordered that James M. Dudley Esquire, of Johnstown and Alonzo B. Voorhees Esquire, of Albany, State of New York, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

The City of New Orleans Intervenor,	In Error to the Supreme Court of the State of Louisiana.
1111 vs. Plff in Error.	
The New Orleans Gas Light Company et al.	

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Louisiana, and on the motion of Mr. D. C. Labatt of counsel for the plaintiff in error: It is now here ordered and adjudged by this Court, that the writ of error in this cause, be, and the same is hereby dismissed with costs.

per Mr. Chief Justice Waite.

215

Hannah M. Wilson, Executrix of Daniel M. Wilson, deceased, Plff. in Error
vs.
Charles C. Strong, Receiver of the Atlantic National Bank of New York.

In Error to the Circuit Court of the United States for the District of New Jersey.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of New Jersey, and on the stipulation of counsel for the respective parties on file and on motion of Mr. James Lowndes of counsel for the defendant in error: It is now here ordered and adjudged by this Court, that the writ of error in this cause, be, and the same is hereby dismissed with costs.

per Mr. Chief Justice Waite.

William T. Chapman et al,
736 vs Plffs. in Error.
Morton Brownson et al:
and
William T. Chapman et al
737 vs. Plffs. in Error.
Peter H. Peterson.

These cases were argued by Mr. E. G. Lapham of counsel for the defendants in error and submitted on printed arguments by Mr. Jas. A. Stearns for the plaintiffs in error.

Samuel Smith and
Andrew W. Smith,
741 vs. Appellants.
Emery E. Norton, Assignee
of Jacob Barker a bankrupt.

Appeal from the Circuit Court of the United States for the District of Louisiana.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Louisiana, and on the stipulation of counsel for the respective parties on file: It is now here ordered, adjudged and decreed by this Court, that this appeal, be, and the same

is hereby dismissed with costs.

for Mr Chief Justice Waite.

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213 | Portia Sage, appellant, vs. Patrick Carraher | This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. H. D. Beam of counsel for the appellant and by Mr. J. D. Munroe for the appellee.

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214 | Thomas Holme Aldridge, appellants, vs. Wm Muirhead, assignee &c. | This cause was argued by Mr. Robert Gilchrist of counsel for the appellants and by Mr. Cortland Parker for the appellee.

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216 | R. E. O'Reilly, assignee &c. appellant, vs. Henry C. Edrington et al. | The argument of this cause was commenced by Mr. P. P. Morse of counsel for the appellant

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Proclamation being made the Court is adjourned until tomorrow at ten o'clock A.M.

Wednesday April 7 - 1880

Pursuant to adjournment the Court met today at the Capitol.

Present

The Honorable Morrison R. Waite	Chief Justice.
Nathan Clifford	Associate Justices.
Noah H. Swayne	
Samuel F. Miller	
Stephen J. Field	
William Strong	
Joseph P. Bradley	
John M. Harlan	

John F. Nicolai Esquire, Marshal
Daniel Taylor Middleton, Clerk.

Proclamation being made the Court reopened.

	Robert F. Silliman et al.		On motion of Mr.
191	vs.	Appellants.	F. J. Durant, leave
	The United States.		is hereby granted
	and		the Clerk to issue
	The United States,		the mandates in
195	vs.	Appellant.	these cases.
	Robert F. Silliman et al		

Wednesday April 7th 1880, continued.

	H. E. O'Neill, Assignee &c.	The argument
206	vs. Appellant.	of this cause
	Henry C. Edrington et al.	was continued
		by Mr. Thomas

J. Durant of counsel for the appellees and concluded by Mr. T. F. Morse for the appellant.

	George W. Kidd,	This cause was argued
207	vs. Appellant.	by Mr. M. F. Morris
	W. H. Johnson & Co.	of counsel for the ap-
		pellant and by Mr. E.

M. Johnson for the appellee.

	A. F. Casey, Receiver, &c.	The argument of
208	vs. Plff. in Error.	this cause was
	John J. Adams & Co.	commenced by
		Mr. Chas. Case

of counsel for the plaintiff in error.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Thursday April 8th 1880

Pursuant to adjournment the Court met today at the Capitol

Present

The Honorable Morrison R. Waite — Chief justice.

Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan
— Associate justices.

John G. Nicolay Esquire, Marshal
Daniel Kesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. George M. Robeson, it is ordered that Aaron Pennington Whitehead Esquire, of New York City State of New York, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

Mr. Solicitor General Phillips, of counsel for the appellees in the following causes, having filed in open Court the Certificates of the Clerk in the following words, viz:

1162 Joseph Nelson, appellant vs. The United States } "In the Court of Claims. Joseph Nelson vs. The United States } No. 11,153.

I certify that judgment was entered in the aforesaid cause on the 3rd day of January, 1876, dismissing the petition, and that on the 11th day of January, 1876, an application by the claimant for the allowance of an appeal to the Supreme Court of the United States was filed and the appeal allowed.

Test this fifth day of April, 1880.

{Seal}

John Randolph, Asst. Clk. Ct. of Claims.

1163 Heber Craft, appellant vs. The United States } "In the Court of Claims. Heber Craft vs. The United States } No. 3220.

I certify that judgment was entered in the aforesaid cause on the 12th day of February, 1877, dismissing the petition and that on

the 13th day of March, 1877, an application by the claimant for the allowance of an appeal to the Supreme Court of the United States was filed and the appeal allowed.

Test this 5th day of April, 1880.

{Seal} John Randolph.
Asst. Clk. Ct. of Claims.

1161 Henry S. Lale, Appellant. vs. The United States. } "In the Court of Claims. Henry S. Lale vs. The United States. } No. 11,916.

I certify that judgment was entered in the aforesaid cause on the 9th day of June, 1879, in favor of the claimant for the sum of three thousand, four hundred and eighty-four 93/100 dollars ($3,484.93/100) and that on the 16th day of July, 1879, an application by the claimant for the allowance of an appeal to the Supreme Court of the United States was filed and the appeal allowed.

Test this 5th day of April, 1880

{Seal} John Randolph.
Asst. Clk. Ct. of Claims."

1165 A. T. Gardner, Assignee in bankruptcy of Robert H. Johnson, vs. The United States. Appellant.

In the Court of Claims
A. T. Gardner, Assignee in bankruptcy of Robert H. Johnson vs. The United States
No. 2539

I certify that judgment was entered in the aforesaid cause on the 21st day of February, 1879, dismissing the petition, and that on the 8th day of April 1879, an application by the claimant for the allowance of an appeal to the Supreme Court of the United States was filed and the appeal allowed.

Test. this 8th day of April, 1880.

{Seal}

John Randolph
Asst. Clk. Ct. of Claims.

1166 Alexander L. P. Green, vs. The United States. Appellant.

In the Court of Claims
Alexander L. P. Green vs. The United States
No. 6181.

I certify that judgment was entered in the aforesaid cause on the 17th day of May, 1875, dismissing the petition, and that on the 31st day of May, 1875, an application by the claimant for the allowance of an appeal to the Supreme Court of the United

States was filed, and the appeal allowed.

Test this 5th day of April, 1880.

{ Seal } John Randolph
Asst. Clk. Ct. of Claims".

1167 Emanuel Hahn, appellant. vs. The United States } "In the Court of Claims. Emanuel Hahn vs. The United States } No. 11598.

I certify that judgment was entered in the aforesaid cause on the 28th day of April, 1879, dismissing the petition, and that on the 26th day of May, 1879, an application by the claimant for the allowance of an appeal to the Supreme Court of the United States was filed, and the appeal allowed.

Test this 5th day of April, 1880

{ Seal } John Randolph
Asst. Clk. Ct. of Claims".

1168 Leonidas Haskell, appellant. vs. The United States } "In the Court of Claims. Leonidas Haskell vs. The United States } No. 2613.

I certify that judgment was entered in the aforesaid cause on the 11th day of May, 1874, dismissing the petition, and that

on the 21st day of July, 1859, an application for the allowance of an appeal to the Supreme Court of the United States was filed and the appeal allowed.

Test this fifth day of April, 1860

{Seal}

John Randolph,
Asst. Clk. Ct. of Claims."

1169 John Hill vs. The United States. Appellant. } "In the Court of Claims John Hill vs. The United States. } No. 5361.

I certify that judgment was entered in the aforesaid cause on the 5th day of January, 1859, dismissing the petition, and that on the 18th day of February, 1859, an application by the claimant for the allowance of an appeal to the Supreme Court of the United States was filed and the appeal allowed.

Test this third day of April, 1860.

{Seal}

John Randolph
Asst. Clk. Ct. of Claims."

1170 John L. Merriam, } In the Court of Claims-
vs. Appellant. } John L. Merriam } No
The United States. } vs. } 11,542.
The United States }

I certify that judgment was entered in the aforesaid cause on the 21st day of April, 1879, dismissing the petition, and that on the 26th day of May, 1879, an application by the claimant for the allowance of an appeal to the Supreme Court of the United States was filed and the appeal allowed.

Test this 5th day of April, 1880.

{ Seal } John Randolph,
Asst. Clk. Ct. of Claims."

1171 Arthur Pannell, } "In the Court of Claims-
vs. Appellant. } Arthur Pannell } No 9191.
The United States. } vs. }
The United States }

I certify that judgment was entered in the aforesaid cause on the 10th day of June, 1878, dismissing the petition, and that on the 27th day of July, 1878, an application by the claimant for the allowance of an appeal to the Supreme Court of the United States was filed, and the appeal allowed.

Test this fifth day of April, 1880.

{Seal} John Randolph,
Asst. Clk. Ct. of Claims"

1172 William M. Pleas
& F. S. Jones,
vs. Appellants
The United States.

"In the Court of Claims-
William M. Pleas
& F. S. Jones
vs.
The United States
No. 6399

I certify that judgment was entered in the aforesaid cause on the 21st day of May, 1875, dismissing the petition, and that on the 31st day of May, 1875, an application by the claimant for the allowance of an appeal to the Supreme Court of the United States was filed and the appeal allowed:-

Test this fifth day of April, 1880.

{Seal} John Randolph,
Asst. Clk. Ct. of Claims"

and having stated that the appellants had altogether failed to file the records of said causes in this Court or in any way to prosecute said appeals: Moved the Court in pursuance of the 9th rule to have said appeals docketed and dismissed. On consideration whereof: It is now here ordered and adjudg-

ed by this Court, that the appeals in said above entitled causes from the Court of Claims, be, and the same are hereby docketed and dismissed: And that said causes be, and the same are hereby remanded to the Court of Claims to be proceeded in according to law and justice.

per Mr. Chief Justice Waite.

	N. H. Case, Receiver &c.	The argument of this
148	vs. Pltff in Error.	cause was continued
	John J. Adams & Co.	by Mr. G. J. Durant
		of counsel for the

defendant in error and concluded by Mr. Chas. Case for the plaintiff in error.

	Pierre Nougue	This cause was argued by
149	vs. Appellant.	Mr. P. Phillips of counsel
	Emory Clapp et al.	for the appellees and sub-
		mitted on printed argu-

ments by Mr. Bentinck Egan for the appellant.

Thursday April 5th 1880 continued

250 The Chicago & Alton R.R. Co, Appellant
vs.
Samuel H. Burrill
and
The Chicago, Burlington & Quincy R.R. Co,
251 vs. Appellant
Samuel H. Burrill.

These cases were argued by Mr. Enoch Totten and Mr. Sta. Dawson of counsel for the appellants. The Court declined to hear counsel for the appellee

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124 William M. Springer
vs. Pltff. in Error.
The United States.

The argument of this cause was commenced by Mr. W. M. Springer the plaintiff in error and continued by Mr Asst. Att'y Gen. Smith for the defendant in error

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Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Friday April 9th 1880

Pursuant to adjournment the Court met today at the Capitol

Present

The Honorable Morrison R. Waite — Chief Justice.

Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan
— Associate Justices.

John G. Nicolay Esquire, Marshal
Daniel Kelly Middleton Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Attorney General Devens, it is ordered that Henry C. Blake Esquire, of Bridgewater, State of Massachusetts, and Moses P. Kinkaid Esquire, of Orion, Henry County, State of Illinois, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Isaac Hazlehurst, it is ordered that James Parsons and Henry Hazlehurst, Esquires, of Philadelphia, State of Pennsylvania, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

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179 William M. Springer vs. Plff. in Error The United States

On motion of Mr. Springer, Leave is hereby granted him to file brief of Mr Miller in behalf of plff. in error in this cause.

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179 William M. Springer vs. Plff. in Error The United States

The argument of this cause was continued by Mr. Asst. Attorney General Smith & Mr. Attorney General Evans of counsel for deft. in error and concluded by Mr. W. M. Springer the plaintiff in error

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253	Bowling Embry, Appellant vs The United States.	The argument of this cause was commenced by Mr. J. H. Embry of counsel for the appellant,

continued by Mr. Attorney General Devens for the appellee and concluded by Mr. W. H. Carpenter for the appellant.

254	Delphine Tremer, Admr &c. vs. Plff. in Error. Isabella P. Stewart.	This cause was argued by Mr. P. Phillips and submitted on

printed arguments by Mr. K. Hallett Phillips of counsel for the plaintiff in error; and also submitted on printed arguments by Mr. Jno. F. Morgan and Mr. Thomas N. Herndon for the defendant in error.

217	Thomas J. Hollingsworth, vs. Plff. in Error. Jno. F. Flint and D. F. Chamberlin.	Mr W. H. Phillips in behalf of Mr. C. H. Terrell, suggested the death of D. F.

Chamberlin one of the defendants in error in this cause and moved the Court to enter the

Friday April 9th 1880 continued

appearance of R. F. Chamberlin the surviving wife and admx of said decedent as a party defendant in this cause - On consideration whereof it is ordered that R. F. Chamberlin the surviving wife and administratrix of L. F. Chamberlin deceased as aforesaid, be entered as a party defendant in error in this cause.

Proclamation being made the Court is adjourned until Monday next at twelve o'clock.

Monday April 12th 1880

Pursuant to adjournment the Court met to-day at the Capitol—

Present:

The Honorable Morrison R. Waite — Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller — Associate
Stephen J. Field — Justices.
William Strong
Joseph P. Bradley
John M. Harlan

John G. Nicolay Esquire Marshal
Daniel Kesley Middleton, Clerk.

Proclamation being made the Court is opened.

George E. Ketchum, James Seligman, Thomas H. Price, The Atlantic and Pacific Railroad Company et al,		Appeal from the Circuit Court of the United States for the Eastern District of Missouri.
162	v. Appellants.	
The County of St Louis, Intervenor.		

This cause came on to be heard on the transcript of the record from the Circuit Court

of the United States for the Eastern District of Missouri, and was argued by counsel. On consideration whereof: It is now here ordered, adjudged and decreed by this Court, that the decree of the said Circuit Court in this cause, be, and the same is hereby affirmed with costs.

per Mr. Justice Harlan.

Dissenting:
Mr. justice Bradley
" " Strong

Frank J. Bowman, Plff. in Error. vs. Edward C. Lawistad. | In Error to the Supreme Court of the State of Missouri.

gci/h

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Missouri, and was argued by counsel. On consideration whereof: It is now here ordered and adjudged by this Court, that the judgment of the said Supreme Court in this cause, be, and the same is hereby affirmed with costs.

191 Frank T. Case, Receiver of the First National Bank of New Orleans, Appellant. vs. The New Orleans and Carrollton Railroad Company, et. Benneval, Joseph Hernandez & Ux. Binder. | Appeal from the Circuit Court of the United States for the District of Louisiana.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Louisiana, and was argued by counsel. On consideration whereof: It is now here ordered, adjudged and decreed by this Court, that the decree of the said Circuit Court in this cause, be, and the same is hereby affirmed with costs.

Per Mr. Justice Strong.

The Amoskeag Manufacturing Company,

112 vs. Appellant.

David Trainer, Hewlin Trainer William Trainer and Edward Trainer, trading as D. Trainer and Sons.

Appeal from the Circuit Court of the United States for the Eastern District of Pennsylvania.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Pennsylvania, and was argued by counsel. On consideration whereof it is now here ordered, adjudged and decreed by this Court, that the decree of the said Circuit Court in this cause, be, and the same is hereby affirmed with costs.

per Mr. Justice Field.

Dissenting:
Mr. Justice Clifford }

Joseph H. Parish and William L. Hulse, late partners under the name, firm and style of Joseph H. Parish & Co. for the use of Joseph H. Parish.	Appeal from the Court of Claims.
155 vs. Appellants. The United States.	

This cause came on to be heard on the transcript of the record from the Court of Claims, and was argued by counsel. On consideration whereof: It is now here ordered and adjudged by this Court, that the judgment of the said Court of Claims in this cause, be, and the same is hereby reversed: And that this cause, be, and the same is hereby remanded to the said Court of Claims for further proceedings to be had therein in conformity with the opinion of this Court.

per Mr. Justice Miller.

The First National Bank of Cincinnati,	In Error to the Circuit Court of the United States for the Southern
234 vs. Plff. in Error. Frederick Burkhardt.	

District of Ohio.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of Ohio, and was argued by counsel. On consideration whereof it is now here ordered and adjudged by this Court, that the judgment of the said Circuit Court in this cause, be, and the same is hereby affirmed with costs and interest, until paid, at the same rate per annum, that similar judgments bear in the Courts of the State of Ohio.

per Mr. Justice Swayne.

128	Charles E. Anthony, Pltf in Error, vs. The County of Jasper	In Error to the Circuit Court of the United States for the Western

District of Missouri.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Western

District of Missouri, and was argued by counsel. On consideration whereof: It is now here ordered and adjudged by this Court, that the judgment of the said Circuit Court in this cause, be, and the same is hereby affirmed with costs.

per Mr. Chief Justice Waite.

Dissenting:
Mr. Justice Clifford
" " Swayne
" " Strong.

The Chicago and Alton Railroad Company, Appellant.
750 vs
Samuel H. Turrill.

Appeal from the Circuit Court of the United States for the Northern District of Illinois.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Northern District of Illinois, and was argued by counsel. On consideration whereof: It is now here ordered, adjudged and decreed by this Court, that the decree of the said Circuit Court in this cause,

be, and the same is hereby affirmed with costs.

per Mr. Chief Justice Waite

	The Chicago, Burlington & Quincy Railroad Company, Appellant.	Appeal from the Circuit Court of the United States for the Northern District of Illi-
251	vs.	
	Samuel A. Gurrill.	

nois.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Northern District of Illinois, and was argued by counsel. On consideration whereof: It is now here ordered, adjudged and decreed by this Court, that the decree of the said Circuit Court in this cause, be, and the same is hereby affirmed with costs.

per Mr. Chief Justice Waite.

	Portia Sage, Appellant.	Appeal from the Circuit Court of the United States for the Northern District of
243	vs.	
	Patrick Carraher.	

Illinois.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Northern District of Illinois, and was argued by counsel. On consideration whereof: It is now here ordered, adjudged and decreed by this Court, that the decree of the said Circuit Court in this cause, be, and the same is hereby affirmed with costs.

per Mr. Chief Justice Taite.

William P. Chapman, Henry P. Chapman and Alfred Woodbridge,		In Error to the Circuit Court of the United States for the Northern District of New York.
236	vs. Plffs. in Error.	
Morton Brownson and Charles Ennis, Executors of Newell Taft, deceased.		

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Northern District of New York and was argued by counsel. On consideration whereof: It is now here ordered and adjudged by this Court, that the judgment of the said Circuit Court in this

cause, be, and the same is hereby affirmed with costs.

per Mr. Chief Justice Waite.

William P. Chapman, Henry P. Chapman & Alfred Hood Bridge,
237 vs. Plffs. in Error
Peter G. Peterson.

In Error to the Circuit Court of the United States for the Northern District of New York

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Northern District of New York, and was argued by counsel. On consideration whereof: It is now here ordered and adjudged by this Court, that the judgment of the said Circuit Court in this cause, be, and the same is hereby affirmed with costs.

per Mr. Chief Justice Waite.

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961 The Mutual Benefit Life Insurance Company, Plff. in Error. vs. Ella F. True, Albert H. True, Caroline McKinley and Mary E. True in own right and as guardian of Charles J. True. | In Error to the Circuit Court of the United States for the Northern District of Illinois.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Northern District of Illinois, and on the stipulation of counsel for the respective parties on file and on motion of Mr. W. T. McKinney in behalf of counsel. It is now here ordered and adjudged by this Court, that the writ of error in this cause, be, and the same is hereby dismissed with costs.

per Mr. Chief Justice Waite.

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942 The Pacific Railroad of Missouri, vs. Appellant. George E. Kelchum et al. | On motion of Mr. J. H. Carr in behalf of Mr. N. Ch. Crowdry. It is ordered

ed that the argument of the petition filed in this cause be postponed until Monday, the 19th inst: And that copies of any additional affidavits be served upon counsel in the City of New York, by the 15th instant.

	The Davenport & Northwestern Railway Company,	On motion of Mr. J. G.
1113	vs. Plff. in Error.	Lane, it is
	Renwick Shaw & Crossett.	ordered that

leave be granted the Clerk to issue the mandate in this cause.

	John L. Merriman,	Mr. George F. Fling,
1170	vs. Appellant.	of counsel for the
	The United States.	appellant, having

stated that the appellant was prepared to file the record and docket this cause pursuant to the rules of this Court, moved the Court to rescind the order entered herein on the 8th instant, docketing and dismissing this appeal. On consideration whereof, It is now here ordered that the order of the 8th of April, dock

sing and dismissing this appeal, &c, and the same is hereby rescinded: And that the appellant have leave to file his record and docket his cause in conformity to the rules of this Court.

per Mr. Chief Justice Waite.

1022 The Florida Central & P. R. Co. Appellant.
vs.
J. Fred. Schulte et al.

1023 The Jacksonville, Pensacola and Mobile R. R. Co. Appellant.
vs.
J. Fred. Schulte et al.
and
The Western North Carolina R. R. Co. et al.

1024 vs. Appellants.
George F. Drew, Receiver &c. et al.

On motion of Mr. Baker of counsel for the appellants to eliminate certain papers from the supplemental record in these cases, was argued by him in support of the same. Mr. Hillard appearing for the appellees. On consideration whereof: It is ordered that in printing the record in the above cases, the following matters be omitted; but the same to be printed in full

or in part by the parties respectively as they may be advised - that is to say: all acts and parts of acts of the Legislatures of Florida and North Carolina, and the Constitution of the latter State: all and any copies of cases or opinions of the Supreme Court of Florida, taken from the published reports of said State.

And it being suggested by counsel at the bar, that the record as returned contains many redundant matters that can have no bearing on the determination of the causes: It is further ordered, at the request of the counsel of the parties respectively, that the minutes of Mr. Justice Bradley, taken at the hearing of the said causes, showing the evidence offered at the hearing and the proceedings had before him, be printed as part of the record.

Mr Solicitor General Phillips, of counsel for the appellees in the following causes, having filed in open Court the certificates of the Clerk in the following words, viz:

Rachel Ann Field
Benjamin W. Fraleigh
and John H. Field
Executors of John Field,
deceased,
1176 vs. Appellants
The United States

"In the Court of Claims.
Rachel Ann Field, Benjamin W. Fraleigh
and John H. Field,
Executors of John
Field,
vs.
The United States.
No 5959.

I certify that judgment was entered in the aforesaid cause on the 15th day of February, 1875, dismissing the petition and that on the 16th day of May, 1875, an application by the claimant for the allowance of an appeal to the Supreme Court of the United States was filed and that on the 20th day of May, 1875, the appeal was allowed.

Test this tenth day of April, 1880.

{Seal}

John Randolph
Asst. Clk. Ct. of Claims"

Monday April 12th 1880, continued

Alexander Swift and Seth Evans, partners as Alexander Swift & Co., and the Niles Works for the use of Gustavus Ricker, appellants.
vs.
The United States.

1177

In the Court of Claims.
Alexander Swift and Seth Evans, partners under the name and style of Alexander Swift & Company, and the Niles Works for the use of Gustavus Ricker,
vs
The United States.
No. 6377

I certify that judgment was entered in the aforesaid cause on the 7th day of April, 1879, dismissing the petition, and that on the 26th day of May, 1879, an application by the claimant for the allowance of an appeal to the Supreme Court of the United States was filed and the appeal allowed.

Test this tenth day of April, 1880.

{Seal}

John Randolph
Asst. Clk. Ct. of Claims"

Mary C Bledsoe, Guardian of Ella, Anna H, Amelia, Mary Kate, Hallie, Sarah & Eva Riggs,

1175 vs. Appellants.

The United States.

In the Court of Claims

Mary C Bledsoe, Guardian of Ella Riggs, Anna H. Riggs, Amelia Riggs, Mary Kate Riggs, Hallie Riggs, Sarah Riggs & Eva Riggs.

vs.

The United States

No 3,477.

I certify that judgment was entered in the aforesaid cause on the 9th day of April, 1877, dismissing the petition, and that on the 16th day of April, 1877 an application for the claimant for the allowance of an appeal to the Supreme Court of the United States was filed and the appeal allowed.

Test this tenth day of April, 1880.

{Seal}

John Randolph
Asst. Clk. Ct. of Claims."

Alexander Swift and Seth Evans, partners as Alexander Swift & Co.		"In the Court of Claims Alexander Swift and Seth Evans, partners under the name and style of Alexander Swift & Co.
1179	vs. Appellants.	vs.
The United States.		The United States.

No. 6326.

I certify that judgment was entered in the aforesaid cause on the 7th day of April, 1879 dismissing the petition, and that on the 26th day of May, 1879, an application by the claimant for the allowance of an appeal to the Supreme Court of the United States was filed and the appeal allowed.

Test this tenth day of April, 1880,

{Seal} John Randolph

Asst. Clk. Ct. of Claims"

and having stated that the appellants had altogether failed to file the records of said causes in this Court or in any way to prosecute said appeals moved the Court in pursuance of the 9th rule to have said appeals docketed and dismissed. On consideration whereof it is now here ordered and adjudged by this Court, that the appeals in said above entitled causes from the Court of

Claims, be, and the same are hereby dock-
eted and dismissed: And that said causes
be, and the same are hereby remanded to
the said Court of Claims, to be proceeded
in according to law and justice.

per Mr. Chief Justice Waite.

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250 The Chicago & Alton R. R. Co. Appellant.
vs.
Samuel A. Burrill
and
The Chicago, Burlington & Quincy R. R. Co.
251 vs. Appellant.
Samuel A. Burrill.

On motion of Mr. F. A. Hales, leave is hereby granted the Clerk to issue the mandates in these cases.

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255 Emilie Moulor, Plff. in Error
vs.
The American Life Insurance Company

This cause was argued by Mr. James Parsons of counsel for the plaintiff in error, and submitted on printed arguments by Mr. Isaac Hazlehurst and Mr. Henry Hazlehurst for the defendant in error.

Monday April 12th 1880, continued.

256 The Pittsburg, Cincinnati & St Louis Railroad Company, Plff. in Error. vs. John Heck et al.

This cause was argued by Mr. C. B. Sansum & counsel for the defendant in error, and submitted on printed arguments by Mr. E. Hacker for the plaintiff in error.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Tuesday April 13th 1880

Pursuant to adjournment the Court met to-day at the Capitol.

Present.

The Honorable Morrison R. Waite,	Chief Justice.
Nathan Clifford	Associate Justices.
Noah H. Swayne	
Samuel F. Miller	
Stephen J. Field	
William Strong	
Joseph P. Bradley	
John M. Harlan	

John G. Nicolay, Esquire, Marshal.
Daniel Reading Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. J. K. Choate, it is ordered that William C. Coursen Esquire, of New York City, State of New York, be admitted to practice as an Attorney and counsellor of this Court, and he was sworn accordingly.

	The American National Bank of Detroit,	In Error to the
268	vs. Plff in Error	Circuit Court
	Charles Stone, Edward P.	of the United
	Hughes & Wm Livingstone Jr.	States for the
		Eastern Dis
		trict of Michi

gan.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Michigan, and on the authority of counsel for the plaintiff in error on file and on motion of Mr Francis Kernan of counsel for the defendants in error - It is now here ordered and adjudged by this Court, that the writ of error in this cause, be, and the same is hereby dismissed with costs.

per Mr. Chief Justice Waite.

1137	W. & F. Laughlin, appellant. vs. P. M. Kay, Postmaster General, and D. J. Commerford, appellant. vs. Virginia C. Thompson.	Mr. Assistant Attorney General Smith filed and submitted, to the consideration of the Court, motion to advance these cases.

237	Mark Young, appellant. vs. Powell M. Bradbystal.	This cause was argued by Mr. Enoch Totten of counsel for the appellant and by Mr. F. D. Davidge for the appellees.

251	John F. Brookstal, appellants. vs. The Burlington & Southwestern Railway Co. et al	The argument of this cause was commenced by Mr. James Grant of counsel for the appellants.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Wednesday April 14th 1880

Pursuant to adjournment the Court met today at the Capitol –

Present –

The Honorable Morrison R. Waite, Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan
} Associate Justices.

John G. Nicolay Esquire, Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Hon. Jeremiah M. Wilson, it is ordered that Edwin Willits Esquire, of Monroe, and John Atkinson Esquire, of Detroit, State of Michigan, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in

this behalf by Mr. F. C. Sondy, it is ordered that Arthur D. Rich Esquire, of Chicago, State of Illinois, be admitted to practice as an attorney and counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. C. F. Horner, it is ordered that George Dull Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an attorney and counsellor of this Court, and he was sworn accordingly.

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258 | John F. Brooks et al, appellants. vs. The Burlington & Southwestern Railway Co. | The argument of this cause was continued by Mr. James Grant of counsel for the appellants, continued by Mr. S. M. Hubbard for the appellee and concluded by Mr. Jas. Grant for the appellants.

Wednesday April 11th 1880, continued.

	L. H. Meyer et al, Trustees &c.,	The argument of
262	vs. Appellants.	this cause was
	The Western Car Company.	commenced by

Mr. James Grant of counsel for the appellants, continued by Mr. J. M. Butler for the appellee and concluded by Mr. Jos. H. Choate for the appellants.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Thursday April 15th 1880

Pursuant to adjournment the Court met today at the Capitol.

Present.

The Honorable Morrison R. Waite — Chief Justice.
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan — Associate Justices.

John G. Nicolay Esquire, Marshal
Daniel Wesley Middleton, Clerk.

Proclamation being made the Court is opened.

176	Sarah S. Walden, Appellant. vs. Darius S. Simmerstal.	On motion of Mr. S. H. Hill, leave is hereby granted the Clerk to issue the mandate in this cause.

230	William F. Langford, Appellant. vs. The United States.	On motion of Mr. Thomas Wilson, leave is hereby

granted him to file additional brief in this cause.

262	L. H. Meyer et al, Trustees, &c, vs. The Western Car Company.	Appellants.	The argument of this cause was concluded by Mr. Joseph H. Choate of counsel for the appellants.

263	Lewis H. Meyer et al, vs. John Hornby.	Appellants.	Mr Jas. F. Lane suggested the death of John Hornby the appellee in this cause and moved the Court to enter the appearance Henry Egbert, administrator of said decedent, as appellee. On consideration whereof it is ordered that Henry Egbert, administrator of the said John Hornby, deceased, be entered as the party appellee in this cause.

263	Lewis H. Meyer et al, vs Henry Egbert, Admr of John Hornby, decd.	Appellants.	The argument of this cause was commenced by Mr. James Grant of counsel for the

appellants, continued by Mr. James A. Lane of counsel for the appellee and concluded by Mr. J. T. Choate for the appellant.

Charles Jones Assignee, &c.
vs. appellant.
The New York Guaranty and Indemnity Company.

2611

The argument of this cause was commenced by Mr. B. F. Tracy of counsel for the appellant.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Friday April 16th 1880.

Pursuant to adjournment the Court met today at the Capitol -

Present -

The Honorable Morrison R. Waite	Chief Justice.
Nathan Clifford	Associate Justices
Noah H. Swayne	
Samuel F. Miller	
Stephen J. Field	
William Strong	
Joseph P. Bradley	
John M. Harlan	

John C. Nicolay Esquire, Marshal
Daniel Kesley Middleton, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Hon. J. W. Johnston, it is ordered that David Stuart Reynolds Esquire, of Richmond, State of Virginia, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

Seth T. Comly, Collector of the Port of Philadelphia, Plff in Error
vs.
Moses D. Lee, August D. Lee & Edward Lee, trading as Lee & Brothers.

In Error to the Circuit Court of the United States for the Eastern District of Pennsylvania.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Pennsylvania, and on the motion of Mr Solicitor General Phillips of counsel for the plaintiff in error: It is now here ordered and adjudged by this Court, that the judgment of the said Circuit Court in this cause, be, and the same is hereby affirmed with costs and interest, until paid, at the same rate per annum that similar judgments bear in the Courts of the State of Pennsylvania.

per Mr. Chief Justice Waite.

261	Charles Jones, assignee, &c., vs. The New York Guaranty & Indemnity Company.	Appellant.

The argument of this cause was continued by Mr. S. F. Tracy of counsel for the appellant, by Mr. Nelson Dubois and Mr. Geo. F. Comstock of counsel for the appellee, and concluded by Mr. S. F. Tracy of counsel for the appellant.

266	The Steamship "City of Panama" &c., vs. Mary E. Jno. D. Phelps.	Appellant.

The argument of this cause was commenced by Mr. C. J. Fox of counsel for the appellant.

Proclamation being made the Court adjourned until Monday next at twelve o'clock.

Monday April 19th 1880

Pursuant to adjournment the Court met today at the Capitol.

Present.

The Honorable Morrison R. Waite	Chief Justice.
Nathan Clifford	Associate Justices.
Noah H. Swayne	
Samuel F. Miller	
Stephen J. Field	
William Strong	
Joseph P. Bradley	
John M. Harlan	

John G. Nicolay Esquire, Marshal
Daniel Chester Middleton, Clerk

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Hon. George F. Edmunds, it is ordered that Eugene A. Eliot Esquire, of New York City, State of New York, be admitted to practice as an attorney and counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Hon. J. W. Carlisle, it is or-

dered that John O'Grady Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an attorney and counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Hon. T. M. Cocrell, it is ordered that Edwin S. Sharp and Ira W. Perry, Esquires, of St. Louis, State of Missouri, be admitted to practice as attorneys and counsellors of this Court, and they were sworn accordingly.

The County of Livingston,		In Error to the
232 vs	Plff. in Error.	Circuit Court
Smedley Darlington		of the United
		States for the

Northern District of Illinois.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Northern District of Illinois, and was argued by counsel. On consideration whereof: It is now here ordered and adjudged by this Court, that

the judgment of the said Circuit Court in this cause, be, and the same is hereby affirmed with costs and interest, until paid, at the same rate per annum, that similar judgments bear in the Courts of the State of Illinois.

per Mr. Justice Harlan.

247	George K. Kidd, Appellant. vs. H. H. Johnson & Co.	Appeal from the Circuit Court of the United States for the District of Louisiana.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Louisiana, and was argued by counsel. On consideration whereof: It is now here ordered, adjudged and decreed by this Court, that the decree of the said Circuit Court in this cause, be, and the same is hereby affirmed with costs.

per Mr. Justice Field.

Monday April 16th 1888 continued

111	William S. Langford, Appellant in Error. vs. Charles E. Monteith	In Error to the Supreme Court of the Territory of Idaho.

This cause came on to be heard on the transcript of the record from the Supreme Court of the Territory of Idaho, and was argued by counsel. On consideration whereof: It is now here ordered and adjudged by this Court, that the judgment of the said Supreme Court in this cause, be, and the same is hereby affirmed with costs per Mr. Justice Miller.

234	William S. Langford, Appellant. vs. The United States.	Appeal from the Court of Claims.

This cause came on to be heard on the transcript of the record from the Court of Claims, and was argued by counsel. On consideration whereof: It is now here ordered and adjudged by this Court, that the judgment of the said Court of Claims in this cause, be, and the same is hereby affirmed.

John Bechtel, George Bechtel, Jacob Schoen, Charles Sulzer, Adolph Book & Carl Schneider.
156 vs. Pltffs in Error
The United States.

In Error to the Circuit Court of the United States for the Southern District of New York.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of New York, and was argued by counsel. On consideration whereof; It is now here ordered and adjudged by this Court, that the judgment of the said Circuit Court in this cause, be, and the same is hereby affirmed.

per Mr. Justice Swayne.

Delphine Fremier, Administratrix of John Fremier, deceased, and John, Celavia, Antonio & Duvalle Fremier children and heirs at law of John Fremier, deceased, by their guardian Felix Andre jr.
251 vs. Plaintiffs in Error.
Isabella D. Stewart.

In Error to the Supreme Court of the State of Alabama.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Alabama, and was argued by counsel. On consideration whereof: It is now here ordered and adjudged by this Court, that the judgment of the said Supreme Court in this cause, be, and the same is hereby affirmed with costs.

per Mr. Justice Clifford.

Thomas Aldridge and Anne Aldridge,		Appeal from the Circuit Court of the United States for the District of New Jersey.
248	vs. Appellants.	
William Muirhead, Assignee of Thomas Aldridge, a bankrupt.		

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of New Jersey, and was argued by counsel. On consideration whereof: It is now here ordered, adjudged and decreed by this Court, that the decree of the said Circuit Court in this cause, be, and the same is hereby reversed,

with costs. And that this cause, be, and the same is hereby remanded to the said Circuit Court with instructions to dismiss the bill.

per Mr. Chief Justice Waite.

H. & C. Neill, assignees of William H. Edrington jr. and C. A. Slate, bankrupts,

216 vs. Appellants.

Henry C. Edrington & William H. Edrington jr. administrators and sole heirs of Eliza M. Edrington, dec'd.

Appeal from the Circuit Court of the United States for the Southern District of Mississippi.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of Mississippi, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged and decreed by this Court, that the decree of the said Circuit Court in this cause, be, and the same is hereby affirmed with costs.

per Mr. Chief Justice Waite.

Monday April 16th 1888, continued

	Nicholas H. Casey, Receiver of the New Orleans National Banking Association,	
345	vs. Plff. in Error.	In Error to the Supreme Court of the State of Louisiana.
	John J. Adams, Jay L. Adams and W. H. Reynaud, partners composing the firm of John J. Adams & Company (In Liquidation)	

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Louisiana, and was argued by counsel. On consideration whereof: It is now here ordered and adjudged by this Court, that the judgment of the said Supreme Court in this cause, be, and the same is hereby affirmed with costs.

per Mr. Chief Justice Waite.

1157	Ill. ex Dauphin, vs Appellant. D. Ill. Sup. Post master General. and	On consideration of the motion to advance these cases: It is ordered that said motion be granted, and that said cases be assigned for argument on the second day of the next term after the cases already assigned
1176	L. J. Commeyere, vs Appellant. C. C. Thompson.	

for that day.

13	The State of New Hampshire, orig. vs Complainant. The State of Louisiana et al.	Mr. Phillips filed answer of State of Louisiana

to original bill in this cause and moved the Court for leave to file cross bill and for subpoenas to issue thereon. Whereupon this Court not being now sufficiently advised of and concerning what order to render in the premises took time to consider.

Monday April 16th 1860, continued

266	The Steamship City of Panama, &c. The Pacific Mail Steamship Co., vs. Appellant. Mary Phelps and John S. Phelps.	Mr. D. Dill disclosed suggested the death of Mary Phelps one of the

appellees in this cause and moved the Court that this cause abate as to her. Thereupon it is ordered that this cause abate as to Mary Phelps, deceased as aforesaid, and proceed in the name of John S. Phelps surviving appellee.

188	The United States, vs. Appellant. Helen A. Peck, Admx of Campbell K. Peck, decd and Helen A. Peck, Admx of Campbell K. Peck, decd	On motion of Mr. J. B. Sanborn leave is hereby granted the Clerk to issue the mandate in these
189	vs. Appellant The United States.	cases.

158	Joseph K. Parish et al vs. Appellants. The United States.	On motion of Mr. J. B. Sanborn leave is hereby

granted the Clerk to issue the mandate in this cause.

The Florida Central Rail-road Company,

1022 vs. Appellant.

J. Fred. Schultz et al.

The Jacksonville, Pensacola & Mobile R.R. Co.,

1023 vs. Appellant.

J. Fred. Schultz et al.

and

The Western North Carolina Railroad Co.

1021 vs. Appellant.

Geo. T. Drew, Governor &c.

On motion of Mr. Z. B. Vance, it is ordered that the argument of the motion to cancel the bond given under order of this Court of Dec. 22nd 1879, be and the same is hereby post-poned. Mr. Vance also filed petition of Samuel A. Riley, James H. Wilson and Samuel McD. Tate, to cancel the appeal bond given on the appeal of the Western North Carolina Railroad in these cases.

The Florida Central Rail road Company,
1022 vs. Appellant
J. Fred. Schultz et al.

The Jacksonville, Pensacola & Mobile R.R. Co.,
1023 vs. Appellant
J. Fred. Schultz et al
and
The Western North Carolina Railroad Co.
1024 vs. Appellant
George F. Drew Receiver &c.

On motion of Mr. A. S. Pillard, leave is hereby granted him to file the opinion of the Supreme Court of North Carolina in these cases.

Harvey S. Dale,
1164 vs. Appellant
The United States.

Mr. James Coleman, of counsel for the appellant, having stated that the appellant was prepared to file the record and docket his cause pursuant to the rules of this Court, moved the Court to rescind the order entered herein on the 8th instant, docketing and dismissing this appeal. On consideration whereof, it is now here ordered that the order of the 8th of April, docketing and dismissing

this appeal, &c, and the same is hereby rescinded: And that the appellant have leave to file his record and docket his cause in conformity with the rules of this Court.

per Mr. Chief Justice Waite.

Salmador C. Brown & Anna L. Brown,
335 vs appellants.
John L. F. Lee et al.

The motion for additional security in this cause was argued by Mr. H. K. Smith in support of the same and by Mr. C. S. Worthington in opposition thereto; and also submitted on printed arguments by Mr. W. W. Cole in opposition thereto.

The Pacific Railroad of Missouri,
209 vs appellant.
George A. Kelchum et al.

The petition for reversal of this cause on certain points was submitted to the consideration of the Court on printed arguments by Mr. A. C. Cowdrey in support of said petition and by Mr. Geo. F. Edmunds in opposition thereto.

1021	Thomas Branch, Trustee, vs. John B. Davis, Hiram Sibley, Thomas Wilson and J. L. Evans & Co	Appeal from the Circuit Court of the United States for the Eastern District of Virginia.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Virginia and on authority of counsel for the appellant on file and on motion of Mr. H. St. George Tucker of counsel for the appellant: It is now here ordered, adjudged and decreed by this Court, that this appeal, be, and the same is hereby dismissed - Clerk's costs to be paid by the appellant.

per Mr. Chief Justice Waite

235	The Richmond & Petersburg Railroad Company, vs. Edward Mayo, Executor of Edward C. Mayo, deceased et al.	Pff. in Error. On motion of Mr. H. St. George Tucker, it is ordered that the order entered in this

cause on the 2nd day of April instant, dismissing the writ of error herein pursuant to Rule 16, &c, and the same is hereby rescinded.

The Richmond & Petersburg Railroad Company,

235 vs. Plff. in Error.

Edward Mayo, Executor of Edward C. Mayo, dec'd; Isaac Davenport jr. Robert Edmond & Isaac Davenport jr. partners under the firm name and style of Edmond & Davenport; James H. Blair; Lewis Hill; Charles S. Mills Executor of Claudius Crozet, deceased; Mrs. E. A. Jones, et. A. Christian et al.

In Error to the Supreme Court of Appeals of the State of Virginia

This cause came on to be heard on the transcript of the record from the Supreme Court of Appeals of the State of Virginia, and it appearing to the Court that the matters in controversy in this cause have been agreed and settled between the parties, and on motion of Mr. A. H. Maury of counsel for the defend-

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writs in error: It is now here ordered, adjudged and decreed by this Court that the writ of error in this cause, be, and the same is hereby dismissed – Clerks costs to be paid by the plaintiff in error.

per Mr. Chief Justice Waite.

	The Mississippi Mills,	In Error to the
468	vs. Pltf. in Error.	Supreme Court
	William N. Cook, Tax	of the State of
	Collector of Copiah	Mississippi.
	County, Mississippi.	

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Mississippi, and on the motion of Mr. T. Phillips of counsel for the plaintiff in error: It is now here ordered and adjudged by this Court, that the writ of error in this cause, be, and the same is hereby dismissed with costs.

per Mr. Chief Justice Waite.

Monday April 19th 1886, continued

266 The Steamship City of Panama &c. Appellant. vs. John S. Phelps survivor. | The argument of this cause was continued by Mr. Austin F. Fox of counsel for the appellant, by Mr. J. Phillips for the appellees and concluded by Mr. Fox for the appellant.

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267 Sanford Baker, Appellant. vs. Ker. P. Humphreys et al. | The argument of this cause was commenced by Mr. Theodore Remey of counsel for the appellant and continued by Mr. John Atkinson for the appellees.

Proclamation being made the Court is adjourned until tomorrow at ten o'clock.

Tuesday April 20th 1858

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Morrison R. Waite	Chief Justice
Nathan Clifford	Associate Justices.
Noah H. Swayne	
Samuel F. Miller	
Stephen J. Field	
William Strong	
Joseph P. Bradley	
John M. Harlan	

John G. Nicolay Esquire, Marshal
Daniel Reed Middleton, Clerk.

Proclamation being made the Court is opened.

267	Sanford Baker, Appellant. vs. Geo. P. Humphreys et al	The argument of this cause was continued by Mr. John A. Wilkinson of counsel for the appellees and concluded by Mr. Theodore Romeyn for the appellant.

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769 The First National Bank of Brunswick, Maine, vs. The County of Yankton. Appellant.

This cause was argued by Mr. S. H. Packard of counsel for the appellant and by Mr. Mark H. Carpenter for the appellee; and submitted on printed arguments by Mr. James Grant for the appellant.

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271 Emma M. Sims, vs. Wm Eberhard et al Appellant.

The argument of this cause was commenced by Mr. Arthur D. Rich of counsel for the appellant.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Wednesday April 21st 1880

Pursuant to adjournment the Court met today at the Capitol

Present

The Honorable Morrison R. Waite, Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan
} Associate Justices.

John G. Nicolay Esquire Marshal
Daniel Leslie Middleton, Clerk.

Proclamation being made the Court is opened

1057 William F. Sage et al. vs. James H. Herring et al. } Appellants.

Mr. George Harding of counsel for the appellants having stated that the appellants were prepared to file the record and docket this cause pursuant to the rules of this Court, moved the Court to rescind the order entered herein on the 10th of November, 1879 docketing and dis-

missing this appeal — On consideration where-
of: It is now ordered that the order of the
11th of Nov. 1879 declining and dismissing
this appeal, &c, and the same is hereby re-
scinded. And that the appellants have
leave to file their record and docket their
cause in conformity with the rules of this
Court, upon payment of costs
per Mr Chief Justice Waite.

271	Emma M. Sims, vs. Appellant. Wm Everhardt et al	The argument of this cause was continued by Mr. S. R. Rich of Counsel for the appellant by Mr. H. K. Collins and Mr. E. B. Smith for the appellees and concluded by Mr. Rich for the appellant.

272	Frank Randall, vs. Plff in Error. James Duncan, Duncan McInnes & Jas. Kunan	In Error to the Supreme Court of the Territory of Utah.

This cause came on to be heard on the tran-
script of the record from the Supreme Court

of Utah Territory, and the plaintiff in error having been three times solemnly called by the Marshal to come into Court and prosecute his writ of error, and failing to appear: It is, therefore, in pursuance of the 16th Rule of this Court, and on the motion of Mr. George H. Williams of counsel for the defendants in error, now here ordered and adjudged by this Court, that this cause, be, and the same is hereby dismissed: And that this cause, be, and the same is hereby remanded to the said Supreme Court, to be proceeded in according to law and justice.

per Mr. Chief Justice Taney.

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273 | The Mason Lumber Company, Plff in Error vs. William Burtlet. | The argument of this cause was commenced by Mr. C. J. Storrs of counsel for the plaintiff in error and continued by Mr. S. H. Simonds and Mr. W. J. Snider for the defendant in error.

Proclamation having made the Court is adjourned until tomorrow at twelve o'clock

Thursday April 22nd 1880.

Pursuant to adjournment the Court met
today at the Capitol.

Present

The Honorable Morrison R. Waite	Chief Justice.
Nathan Clifford	Associate Justices.
Noah H. Swayne	
Samuel F. Miller	
Stephen J. Field	
William Strong	
Joseph P. Bradley	
John M. Harlan	

John G. Nicolay Esquire, Marshal
Daniel Tuesley Middleton, Clerk.

Proclamation being made the Court is opened.

273 The Mason Lumber Co, Plff. in Error
vs
William Duchtel

The argument of this cause was continued by Mr. M. J. Smiley of counsel for the defendant in error and concluded by Mr. E. C. Storrs for the plaintiff in error.

274 The Mason Lumber Co., Plff. in Error
vs.
William Buchtel.

This cause was argued by Mr. C. C. Goss of counsel for the plaintiff in error and by Mr. M. J. Smiley for the defendant in error.

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275 Erasmus Nagle, Plff. in Error
vs.
Thos. H. Rutledge.

This cause was submitted on the consideration of the Court on the record and printed arguments by Mr. W. H. Corbett of counsel for the plaintiff in error and by Mr. W. R. Shute of counsel for the defendant in error.

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276 The Wyoming National Bank, Plff. in Error
vs.
Thomas J. Dayton.

The argument of this cause was commenced by Mr. J. Shellabarger of counsel for the plaintiff in error, and continued by Mr. W. C. St. Maury for the defendant in error.

	Anna M. Sims,	On motion of Mr.
241	vs Appellant.	C. L. Rich, leave is
	Wm Everhardt et al.	hereby granted him

to file additional brief in this cause, with leave to counsel for the appellee to file reply thereto by tomorrow.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Friday April 23rd 1880.

Pursuant to adjournment the Court met today at the Capitol.

Present:

The Honorable Morrison R. Waite, Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan
} Associate Justices.

John G. Nicolay Esquire, Marshal
Daniel Reed Middleton, Clerk.

Proclamation being made the Court is opened.

The Wyoming National Bank,			The argument of this cause was continued by Mr. D. C. Haines counsel for the defendant in error, and concluded by Mr. Samuel Shellabarger for the plaintiff in error.
276	vs.	In Error.	
Thomas J. Dayton.			

277	Harvey Kennedy, Exor, &c., vs. John A. J. Cresswell et al	Appellant. This cause was argued by Mr. W. F. Morris for the appellant and by Mr. Enoch Totten for the appellee.

278	The Steamboat Louisville, &c. vs. William P. Halliday.	Appellant. The argument of this cause was commenced by Mr. T. D. Lincoln of counsel for the appellant. The Court declined to hear further argument in the case.

279	George E. Kirk, vs. Chas. C. Catherine Hamilton.	Plff. in Error. The argument of this cause was commenced by Mr. Luther H. Pike of counsel for the plaintiff in error.

Frank J. Bowman, Plff in Error.
vs.
Edward Christal.

On motion of Mr. George P. Edmunds, leave is hereby granted the plaintiff in error to withdraw from the files of this Court, Exhibits "A" & "B" annexed to the transcript of the record in this cause on leaving with the Clerk a receipt for the same.

Proclamation being made the Court is adjourned until Monday next at twelve o'clock.

Monday April 26th 1880.

Pursuant to adjournment the Court met today at the Capitol

Present=

The Honorable Morrison R. Waite	Chief Justice
Nathan Clifford	Associate Justices.
Noah H. Swayne	
Samuel F. Miller	
William Strong	
Joseph P. Bradley	
John M. Harlan	

John G. Nicolay Esquire, Marshal
Daniel Shelby Middleton, Clerk.

Proclamation being made the Court adjourned.

217

Thomas J. Hollingsworth, Plff. in Error. vs. John F. Flint & N. D. Chamberlain Administratrix of N. D. Chamberlain deceased	In Error to the Circuit Court of the United States for the Western District of Texas.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Western Dis-

trict of Texas and was argued by counsel.
On consideration whereof it is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause, be and the same is hereby affirmed with costs.

per Mr. Justice Harlan.

The Union Water Meter Company,	Appeal from the Circuit Court of the United States for the District of Massachusetts
209 vs. Appellant.	
William F. Kesler and Henry C. Kesler	

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Massachusetts, and was argued by counsel.
On consideration whereof it is now here ordered, adjudged and decreed by this Court that the decree of the said Circuit Court in this cause, be, and the same is hereby affirmed with costs.

per Mr. Justice Bradley.

	W. J. Hunnicut and S. H. Barnes,	
227	vs.	Err. in Error.
	John D. Peyton & Emily F. Peyton, Legal representatives of Dalie Peyton, deceased, Sallie D. Parker et al.	In Error to the Circuit Court of the United States for the Western District of Texas.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Western District of Texas, and was argued by counsel. On consideration whereof: It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause, &c, and the same is hereby reversed with costs: And that this cause, &c, and the same is hereby remanded to the said Circuit Court with directions to award a new trial.

per Mr. Justice Strong.

	The Town of Scipio,	
190	vs.	Err. in Error.
	William P. Wright.	In Error to the Circuit Court of the United States for the Northern District

Monday April 26th 1880 continued

of New York.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Northern District of New York and was argued by counsel. On consideration whereof: It is now here ordered and adjudged by this Court, that the judgment of the said Circuit Court in this cause be, and the same is hereby reversed with costs: And that this cause be, and the same is hereby remanded to the said Circuit Court with directions forward a new trial.

per Mr. Justice Strong.

Dissenting:
Mr. Justice Clifford
" " Swayne

	Mark Young,		
254	vs.	Appellant.	Appeal from the Supreme Court of the District of Columbia.
	Powell H. Bradley, Frederick H. Bradley & Maria L. Bradley, infants, by their guardian and next friend Richard B. Macrae.		

This cause came on to be heard on the transcript of the record from the Supreme Court of the District of Columbia, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged and decreed by this Court, that the decree of the said Supreme Court in this cause, be, and the same is hereby affirmed with costs.

per Mr. Justice Miller.

	Pierre Nougué,		
244	vs.	Appellant.	Appeal from the Circuit Court of the United States for the District of Louisiana.
	Emore Wasshington Cambre & H. Babcock.		

This cause came on to be heard on the transcript of the record from the Circuit Court

of the United States for the District of Louisiana, and was argued by counsel—

On consideration whereof: It is now here ordered, adjudged and decreed by this Court, that the decree of the said Circuit Court in this cause, be, and the same is hereby affirmed with costs.

per Mr Justice Miller.

Charles Jones Assignee of the New York Kerosine Oil Company,		Appeal from the Circuit Court of the United States for the Eastern District of New York.
261	vs. Appellant	
The New York Guaranty & Indemnity Company		

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of New York, and was argued by counsel—

On consideration whereof: It is now here ordered, adjudged and decreed by this Court, that the decree of the said Circuit Court in this cause, be, and the same is hereby affirmed with costs.

per Mr

233

George Parks, Grant B. Turner, William C. Taylor and James C. Vaughn, partners as Turner, Parks and Company
vs.
Jonathan L. Booth.

Appeal from the Circuit Court of the United States for the Northern District of Ohio.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Northern District of Ohio, and was argued by counsel.

On consideration whereof it appearing to this Court that the decree of the said Circuit Court in this cause should be modified so that the amount decreed in favor of the complainant, instead of being for the sum of eleven thousand, one hundred and eighty-four dollars and forty-two cents, should be nine thousand, nine hundred and ninety-two dollars and nine cents, without interest, but with costs of suit in the said Circuit Court. It is therefore ordered, adjudged and decreed by this Court, that the decree of the said Circuit Court in this cause as modified, be, and

the same is hereby affirmed.
Costs in this Court to be paid by the appellee.

per Mr. Justice Clifford.

John D. Phillips, Admr de bonis non of Robert D. Stodd, deceased,		Appeal from the Supreme Court of the District of Columbia
137 vs.	Appellant	
Albert Ordway.		

This cause came on to be heard on the transcript of the record from the Supreme Court of the District of Columbia, and was argued by counsel. On consideration whereof it is now here ordered, adjudged and decreed by this Court, that the decree of the said Supreme Court in this cause, be, and the same is hereby affirmed with costs.

per Mr. Chief Justice Taney.

The Pittsburgh, Cincinnati & St Louis Railway Company,			In Error to the Circuit Court of the United States for the Northern District of Illinois.
256	vs	Pltf in Errdr.	
John Peck who sues for the use of Samson S. Lane, Nathaniel J. Owens & John Leach.			

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Northern District of Illinois, and was argued by counsel. On consideration whereof: It is now here ordered and adjudged by this Court, that the judgment of the said Circuit Court in this cause, be, and the same is hereby affirmed with costs and interest, until paid, at the same rate per annum that similar judgments bear in the Courts of the State of Illinois.

per Mr. Chief Justice Taney.

The Steamboat Louisville, &c.
David Gibson et al claimants,
278 vs. appellants
William T. Halliday owner of
the Barge "Swallow".

appeal from
the Circuit
Court of the
United States
for the South-
ern District
of Illinois.

This cause came on to be heard on the tran-
script of the record from the Circuit Court
of the United States for the Southern Dis-
trict of Illinois, and was argued by counsel.
On consideration whereof, It is now here order-
ed, adjudged and decreed by this Court, that the
decree of the said Circuit Court in this cause,
be, and the same is hereby affirmed with costs
and interest, until paid, at the same rate
per annum that similar judgments bear in
the Courts of the State of Illinois
per Mr. Chief Justice Taney.

Erasmus Nagle,
275 vs. Writ in Error
Thomas H. Tullidge.

In Error to the Su-
preme Court of the
Territory of Wyoming.

This cause came on to be heard on the transcript of the record from the Supreme Court of the Territory of Wyoming, and was argued by counsel. On consideration whereof: It is now here ordered and adjudged by this Court, that the writ of error in this cause, &c, and the same is hereby dismissed for the want of jurisdiction

per Mr. Chief Justice Waite.

The American Cotton Tie Company, (Limited)		In Error to the Circuit Court of the United States for the District of Louisiana.
220	vs. Aff. in Error.	
John C. Klein, F. M. Logue, J. H. M. Harris, Mabel Harris.		

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Louisiana, and was argued by counsel. On consideration whereof. The Court being equally divided in opinion. It is now here ordered and adjudged by this Court, that the judgment of the said Circuit Court in this cause, &c,

and the same is hereby affirmed with costs and interest, until paid, at the same rate per annum, that similar judgments bear in the Courts of the State of Louisiana.

	The State of New Hampshire	On consideration of the motion for leave to file cross-bill in this cause it is ordered that said motion, be, and the same is hereby granted. And that subpoenas issue to the State of New Hampshire returnable on the first Monday in August 1886.
13 orig	vs. Complainant.	
	The State of Louisiana et al.	

for Mr. Chief Justice Waite.

	Talmadge & Brown et al	On consideration of the motion for additional security in this cause: It is ordered that said motion, be, and the same is hereby denied.
553	vs. Appellants	
	John L. F. Lee et al.	

for Mr. Chief Justice Waite.

This cause came on to be heard on the transcript of the record from the Supreme Court of the Territory of Wyoming, and was argued by counsel. On consideration whereof: It is now here ordered and adjudged by this Court, that the writ of error in this cause, be, and the same is hereby dismissed for the want of jurisdiction

per Mr. Chief Justice Waite.

The American Cotton Tie Company, (Limited)

220 vs. Plff. in Error.

John C. Klein & W. McLogue, & H. W. Harris) Mahl Harris.

In Error to the Circuit Court of the United States for the District of Louisiana.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Louisiana, and was argued by counsel. On consideration whereof, the Court being equally divided in opinion. It is now here ordered and adjudged by this Court, that the judgment of the said Circuit Court in this cause, be,

and the same is hereby affirmed with costs and interest, until paid, at the same rate per annum, that similar judgments bear in the Courts of the State of Louisiana.

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13 orig	The State of New Hampshire vs. The State of Louisiana et al.	Complainant. Defendants.	On consideration of the motion for leave to file cross bill in this cause. It is ordered that said motion, be, and the same is hereby granted. And that subpoenas issue to the State of New Hampshire returnable on the first Monday in October, 1880.

per Mr. Chief Justice Waite.

555	Talmadge & Brown et al vs. John D. H. Slee et al.	Appellants Appellees	On consideration of the motion for additional security in this cause: It is ordered that said motion, be, and the same is hereby denied.

per Mr. Chief Justice Waite.

Monday April 26th 1880, continued

George E. Ketchum et al			Fr appearing to
162	vs.	appellants	the Court from
The County of St Louis Intervenor			the following
			stipulation on

file in this cause—

"In the Supreme Court of the United States
No 162 October Term, 1879.
Ketchum et al. appellants
vs.
The County of St Louis-Intervenor.

It is stipulated and agreed by the parties here-
to, that in the event of the decree below being
sustained herein, the City of St Louis shall
be substituted in said decree in lieu of, and
in the place of the County of St Louis.

Leverett Bell
for the City of St Louis.
H. C. Clover
for County.
Frank J. Bowman
for Respondent—"

Willoville & Day
Jas. Broadhead
Sol. for Respts.

that the counsel for the respective parties have
stipulated that in the event of the decree of
the Circuit Court in this cause being affirmed
by this Court, that the City of St Louis shall

be substituted for the Count of St. Louis as the appellee in this cause, and said decree having been affirmed by this Court on the 12th day of April, 1880.

It is now here ordered by the Court that the City of St. Louis, &c, and it is hereby made the party appellee in this cause in place of the said County of St. Louis, nunc pro tunc, as of the 12th day of April ct. A. D. 1880.

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133 Henry Hannstein et al, Plffs. in Error, vs. John C. Lynham, Collector &c. Def't. | On motion of Mr. F. L. Royall, leave is hereby granted the Clerk to issue the mandate in this cause.

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165 James N. Embry, Admr. &c., Plff. in Error, vs. J. H. Stanton & H. L. Palmer. | Mr. C. L. Merriman of counsel for the plaintiff in error suggested the death of J. H. Stanton, one of the defendants in error in this cause, and moved the Court for an order under the 15th Rule, to make

the proper representatives, parties— On consideration whereof: It is now here ordered by this Court, that unless the proper representatives of the said E. H. Stanton, deceased as aforesaid, shall voluntarily become parties within the first ten days of the ensuing term of this Court, the plaintiff in error shall be entitled to open the record in said cause and on hearing, have the judgment there in rendered, reversed if erroneous: Provided, that a copy of this order shall be printed in some newspaper, at the seat of government, of general circulation, for three successive weeks, at least sixty days before the beginning of the term of the Supreme Court then next ensuing.

per Mr. Chief Justice Taney

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135 The United States, plff. in Error. vs. Samuel Hough, Charles B. Church et al

The death of Charles B. Church one of the defendants in error in this cause, having been suggested at a prior day of the present term of this Court: It is now on motion of Mr. Assistant Attorney

General Smith of counsel for the plaintiff in error, and in pursuance of the 15th Rule of this Court ordered that unless the proper representatives of the said Charles D. Church, deceased as aforesaid, shall voluntarily become parties within the first ten days of the ensuing term of this Court, the plaintiff in error shall be entitled to open the record in said cause, and on hearing have the judgment therein rendered, reversed if erroneous: Provided, that a copy of this order shall be printed in some newspaper, at the seat of government, of general circulation, for three successive weeks, at least sixty days before the beginning of the term of the Supreme Court then next ensuing.

per Mr. Chief Justice Taney

300

J. Kingate Thornton, Plff in Error
vs
The Marginal Freight Railroad Company et al.

Mr. E. B. Smith of counsel for the plaintiff in error having filed in open Court a suggestion of a diminution of the record in this cause in the words and figures following, to wit:

That the record of this Court does not contain a "brief statement of the grounds and reason of the decision of the Supreme Judicial Court of Massachusetts."

By reason of which omissions and errors aforesaid the said counsel now here moved the Court to award a writ of certiorari, to be directed to the judges of the Supreme Judicial Court of the Commonwealth of Massachusetts, commanding them that searching the record and proceedings of said Court in this cause, they shall certify to this Court under the seal of the said Supreme Judicial Court whatever omissions and errors shall be found - On consideration whereof: It is now here ordered by this Court, that a writ of certiorari, &c, and the same is hereby awarded to be issued forthwith and to be directed to the judges of the Supreme Judicial Court of the Commonwealth of Massachusetts, commanding them that searching the records and proceedings aforesaid they forthwith certify to this Court under the seal of the said Supreme Judicial Court, whatever omissions and errors to the extent above enumerated shall be found in this cause and return

the same with the said writ of certiorari forthwith to this Court

per Mr. Chief Justice Waite.

	Rebecca Polk		Mr Fillmore Beall
1079	13	Plff in Error	of counsel for the Plaintiff in error having
	Abner Shacklett.		stated that the Plaintiff in error was prepared to file the record and docket her cause, pursuant to the rules of this Court, moved the Court to rescind the order entered herein on the 20th of November, 1878, docketing and dismissing this writ of error: On consideration whereof, It is now here ordered that the order of the 20th of November last, docketing and dismissing this writ of error, &c, and the same is hereby rescinded: And that the plaintiff in error have leave to file her record and docket the cause in conformity with the rules of this Court upon payment of costs.

per Mr Chief Justice Waite.

	Thomas C. Dashiell and Nathan Stebbins,	Appeal from the Supreme Court of the District of Columbia.
365	vs Appellants.	
	Hallet Kilbourn et al.	

This cause came on to be heard on the transcript of the record from the Supreme Court of the District of Columbia, and on the stipulation of counsel for the respective parties on file and on motion of Mr. Enoch Totten of counsel for the appellees— It is now here ordered adjudged and decreed by this Court, that this appeal, be, and the same is hereby dismissed. Each party paying their own costs.

per Mr. Chief Justice Taile.

	Lucien Birdseye, Trustee,	Mr. Nathaniel Wilson, of counsel for the appellees having filed in open Court the following certificate,
1155	vs Appellant.	
	The Lake Superior Ship Canal Railroad & Iron Company, Charles L. Frost, Trustee, Thomas H. McCarter, Trustee et al.	

To wit:

"

Circuit Court of the United States for the Eastern District of Michigan — In Equity

John L. Sutherland, Trustee
vs.
The Lake Superior Ship Canal Railroad and Iron Company, Charles L. Frost, Trustee, Thomas K. McCarter, Trustee, Lucien Birdseye, Trustee, The Union Trust Company of New York, Trustee, Samuel L. Smith, William Harris, George Jerome and Fernando C. Beaman, Assignees in bankruptcy of the said Ship Canal Railroad & Iron Company. — 1365

Lucien Birdseye, Trustee
vs
The Lake Superior Ship Canal Railroad & Iron Company, Thomas K. McCarter, Trustee, The Union Trust Company of New York, Trustee, and George Jerome and Fernando C. Beaman, Assignees in bankruptcy of the Lake Superior Ship Canal — 1371

The Union Trust Company of New York, Trustee.

vs.

George Jerome and Fernando C. Beaman, Assignees in bankruptcy of the Lake Superior Ship Canal Railroad & Iron Company and the Lake Superior Ship Canal Railroad & Iron Company. 1946.

George Jerome and Fernando C. Beaman, Assignees in bankruptcy of the Lake Superior Ship Canal Railroad and Iron Company

vs.

John L. Sutherland, Trustee, Charles L. Frost, Trustee, Lucien Birdseye, Trustee, Thomas N. McCarter, Trustee, Frederick D. Kissam, Trustee, The Union Trust Company of New York, Jonathan S. Wells, Samuel L. Smith & William Harris. Supplemental & Cross Bills. 1766.

Eastern District of Michigan: ss

I, Addison Mandell, Clerk of said Court, do hereby certify that an order was entered in the above entitled causes, at a session of said Court held at the City of Detroit on the

Monday April 26th 1880, continued.

twelfth day of February A. D. 1877.

Present, the Honorable Hamor H. Emmons, Circuit Judge - ordering and decreeing that the four above entitled causes be consolidated and heard together as one cause, and that thereupon the said causes were heard together as one cause and that a decree was granted and duly entered at the same session, at said time and place in said consolidated causes: And that afterwards and upon the first day of October, 1877 an appeal from the said decree was duly allowed, which appeal was claimed and sued out by Lucien Birdseye, Trustee, moved thereto by certain bondholders represented by Mason H. Tyler as counsel.

Witness my official signature and the Seal of said Court at Detroit in said District, this 10th day of November, in the year of our Lord One thousand, eight hundred and seventy-seven, and the Independence of the United States the One hundred and second - Addison Mandell,

{Seal}

and having stated that the appellant has failed to file the record of said cause in this Court or in any way to prosecute said appeal moved the Court, in pursuance of the 6th rule, to have this appeal docketed and dismissed: On consideration whereof: It is now hereby ordered, adjudged and decreed by this Court, that this appeal from the Circuit Court of the United States for the Eastern District of Michigan, be, and the same is hereby docketed and dismissed with costs. And that this cause, be, and the same is hereby remanded to the said Circuit Court, to be proceeded in according to law and justice.

per Mr. Chief Justice Waite.

1022 The Florida Central Railroad Co. Appellant. vs. J. Fred. Schultz et al.

1023 The Jacksonville, Pensacola & Mobile Railroad Company, Appellant. vs. J. Fred. Schultz et al. and The Western North Carolina Railroad Company, Appellant. vs. Geo. F. Drew, Governor &c. et al.

The motion to vacate the order of Justice Bradley approving the indemnity bond and also the petition of the sureties on the appeal bond of the Western North Carolina Railroad Company for an order to cancel the same, were argued by Mr. Hagner Wallace and Mr Watts for Carpenter in support of the same and by Mr. S. F. Phillips in opposition thereto.

The petition filed in behalf of Samuel H. Fritz, James H. Wilson and Samuel D. McC. Tate to cancel the appeal bond given on the appeal of the Western North Carolina Railroad in these cases, was argued by Mr. J. S. Lamar in support of the same.

Ex parte In the matter of William H. Woolen and Willis S. Tibbs, Petitioners

Mr J. Phillips moved the Court for leave to file a petition for a writ of Mandamus in this cause to the Circuit Court of the United States for the District of Indiana: And also moved the Court for a restraining order to the judge of the District Court of the United States for the District of Indiana - Whereupon this Court not being now here sufficiently advised of and concerning what order to render in the premises, took time to consider.

Proclamation being made the Court is adjourned until to morrow at twelve o'clock.

Tuesday April 27th 1858

Pursuant to adjournment the Court met today at the Capitol

Present

The Honorable Allemson K. Taite	Chief justice
Nathan Clifford	Associate justices
Noah H. Swayne	
Samuel F. Miller	
Stephen J. Field	
William Strong	
Joseph P. Bradley	
John M. Harlan	

John A. Nicolay Esquire Marshal
Daniel Wesley Middleton Clerk

Proclamation being made the Court is opened

Ex parte In the matter of William H. Hoeller and Willis S. Webb, Petitioners. | Petition for writ of Mandamus.

On consideration of the motion filed by Mr. T. Phillips on the 26th instant for leave to file a petition for a writ of Mandamus, to be directed to the judges of the Circuit Court

of the United States for the District of Indiana, requiring and commanding them to entertain the appeal of William H. Woollen and Willis S. Webb. In the matter in re William McEwen & Sons in bankruptcy in the District Court of the United States for the District of Indiana. It is now ordered, that said motion, &c, and the same is hereby continued for further consideration

per Mr. Chief Justice Waite.

Ex parte. In the matter of William H. Woollen and Willis S. Webb, Petitioners.	Petition for restraining order.

On consideration of the motion of Mr. Phillips for a restraining order to be directed to the judge of the District Court of the United States for the District of Indiana. It is now ordered, that said motion, &c, and the same is hereby denied.

per Mr. Chief Justice Waite.

115	The Nashville & Chattanooga Railroad Company, vs. The United States. Appellant.	This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. J. E. Bailey of counsel for the appellant, and by Mr. Attorney General Brewster and Mr. Assistant Attorney General Smith of counsel for the appellee.

279	George E. Kirk, vs. Plff. in Error Charles C. and Catharine Hamilton.	The argument of this cause was continued by Mr. Albert Pike of counsel for the plaintiff in error, and submitted on printed arguments by Mr. R. T. Merrick and Mr. M. F. Morris for the defendants in error.

280	The Piedmont & Arlington Life Insurance Company, vs. Plff. in Error. Jamie C. Morgan et al.	This cause was submitted to the consideration of the Court on the

Thursday April 29th 1886, continued

heard and printed arguments for Mr. H. C. Herbert and Mr. J. K. Williams of counsel for the plaintiff in error, and by Mr. Jno. F. Morgan for the defendants in error.

781	Baxter Whitney vs. Pltf in Error Charles E. Hymanstal.	This cause was argued by Mr. J. H. Champlin of counsel for the plaintiff in error, and by Mr. W. J. Smiley for the defendants in error

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782	The New Orleans, Mobile and Texas Railroad Co., vs Pltf. in Error The State of Mississippi.	Ordered that this cause, &c, and the same is hereby continued until the next term of this Court. (per stipulation of counsel.)

Tuesday April 27th 1880 continued

211 The Town and City of Menasha, Plff in Error. vs. Rowland H. Hazard. Deff in error.

The argument of this cause was commenced by Mr. O. Marinus as counsel for the plaintiff

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Wednesday April 25th 1866

Pursuant to adjournment the Court met
today at the Capitol.

Present

The Honorable Morrison R. Waite Chief Justice
Nathan Clifford
Noah H. Swayne
Samuel F. Miller Associate
Stephen J. Field Justices
William Strong
Joseph P. Bradley
John M. Harlan

John F. A. Wootten Esquire, Marshal
James H. McKenney, Deputy Clerk.

Proclamation being made the Court is opened.

The Chief Justice said:

It is our sad duty to announce that Mr. Daniel Hesler Middleton, the Clerk of this Court, departed this life at half past seven o'clock last night. For more than forty-five years, he has been actively connected with the office he held at the time of his death. Out of respect to his mem-

Wednesday April 28th 1886 continued

ory, the Court will now adjourn until ten
o'clock tomorrow morning.

Proclamation being made the Court is
adjourned until tomorrow at ten o'clock.

Thursday April 29th 1880

Pursuant to adjournment the Court met today at the Capitol—

Present—

The Honorable Morrison R. Waite Chief justice.
Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan
} Associate justices.

John G. Nicolay Esquire, Marshal
James H. McKenney, Deputy Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by H. M. Finch, Esquire, it is ordered that J. D. Phillips Esquire, of New York City, State of New York, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas Hoyne, it is ordered

that Merton Culver Esquire, of Chicago, State of Illinois, be admitted to practice as an attorney and counsellor of this Court; and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. H. Carr, it is ordered that J. D. Brooks Esquire, of Salem, State of Ohio, be admitted to practice as an attorney and counsellor of this Court, and he was sworn accordingly

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553 James Vance et al, Appellants vs. A. R. Burbank et al

The motion to reform decree in this cause was argued by Mr. J. H. Mitchell in support of the same.

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281 The Town of Illinasha et al, Plffs in Error vs. R. S. Hazard.

The argument of this cause was continued by Mr. E. Mariner of counsel for the plaintiffs in error, by Mr. E. H. Abbott for the defendant in error, and concluded by Mr. Marin

er for the plaintiff in error.

	Matthias Morrison et al,	This cause was
285	vs.	submitted to the
	Plffs. in Error.	consideration of
	Anna M. Maguire.	the Court on the

record and printed arguments by Mr. F. H. Colhausen of counsel for the plaintiffs in error, and by Mr. S. U. Pinney for the defendant in Error.

	Philip Schmitz, John	In Error to the Cir-
	Riesner, Charles Dean	cuit Court of the
	and John Rochring,	United States for
286	vs.	the Eastern Dis-
	Plffs. in Error.	trict of Wisconsin.
	The United States.	

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Wisconsin, and the plaintiffs in error having been three times solemnly called by the Marshal to come into Court and prosecute their writ of error, and failing to appear: It is thereupon, in pursuance

of the 16th Rule of this Court, and on the motion of Mr Solicitor General Phillips of counsel for the defendant in error, it is ordered and adjudged by this Court that this cause, be, and the same is hereby dismissed: And that this cause, be, and the same is hereby remanded to the said Circuit Court, to be proceeded in according to law and justice.

per Mr Chief Justice Waite

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287 The Western Union Tel. Co. vs. The United States. Plff in Error

This cause was argued by Mr J. H. Carey of counsel for the plaintiff in error, and by Mr. Solicitor General Phillips for the defendant in error

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288 Charles Howard, vs. The Milwaukee and St. Paul Railway Co. Plff in Error,

This cause was argued by Mr H. M. Finch of counsel for the plaintiff in error, and by Mr J. H. Cary for the defendant in error

Thomas Tillt, Executor &
Trustee of N. H. Strong, dec'd,
295 vs. Appellant.
The Schooner "L. P. Dobbins"
&c. Frank Perew, owner.

Appeal from
the Circuit
Court of the
United States
for the Eastern
District of
Michigan.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Michigan, and on the stipulation of counsel for the respective parties on file and motion of Mr. E. H. Abbott in behalf of counsel — It is now here ordered, adjudged and decreed by this Court, that the decree of the said Circuit Court in this cause, &c, and the same is hereby affirmed with costs.

per Mr. Chief Justice Waite.

Thursday April 29th 1858 continued

1166	Sidney H. Lee vs. Plff. in Error The Connecticut Mutual Life Insurance Co.	The motion to dismiss this cause was submitted to the consideration of the Court on printed arguments by Mr. E. J. Sloan and Mr. Robert J. Linden in support of the same; with leave to counsel for plaintiff in error to file reply by tomorrow

Proclamation being made the Court is adjourned until tomorrow afternoon at two o'clock.

Friday April 30th 1880

Pursuant to adjournment the Court met today at the Capitol

Present

The Honorable Morrison R. Waite Chief Justice.

Nathan Clifford
Noah H. Swayne
Samuel F. Miller
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan
} Associate Justices

John G. Nicolay Esquire, Marshal
James H. McKenney, Deputy Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Philip Phillips it is ordered that John D. Wilson Esquire, of San Francisco, State of California, be admitted to practice as an attorney and counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. H. Choate, it is ordered

Thar E. F. Faile Esquire, of Toledo, State of Ohio, and Edward F. Mellendin Esquire, of Brooklyn, State of New York, be admitted to practice as attorneys and counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. B. F. Butler, it is ordered that J. B. Kinnan Esquire, of Boston, State of Massachusetts, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

	Rodney B. Smith, Isaac H. Dixon & William H. Russell,	
763	vs. Appellants.	Appeals from the Supreme Court of the District of Columbia
	The Chronicle Publishing Co., A. R. Shepherd, Alexander Sharp, Samuel F. Miller et al.	
	and	
	Samuel F. Miller et al,	
764	vs. Appellant.	
	A. R. Shepherd et al.	

This cause came on to be heard on the transcript of the record from the Supreme Court of the District of Columbia, on appeal and cross appeal and on the stipulation of the respective parties on file and motion of Mr. George A. Corkhill: It is now here ordered, adjudged and decreed by this Court, that the decree of the said Supreme Court in the cause from which these appeals were taken, &c, and the same is hereby reversed: And that this cause, &c, and the same is hereby remanded to the said Supreme Court, with directions to make distribution of the fund now in the hands of the Receiver of the Court in this cause in the following manner – that is to say:

1. To pay all the legal costs.

2. To pay to Smith, Dixon & Co. the sum of seventeen hundred and fifty dollars in cash, and also all the legal costs heretofore paid by them, and to divide the remainder between said Miller and Shepherd, in the proportion of two and a half to said Miller and two to said Shepherd – that is to say as $2,500. is to $2,000. of whatever remains after paying the said costs and the $1,750. to Smith, Dixon

Friday April 30th 1858, continued

and Company.

per Mr. Chief Justice Taney.

763	R. B. Smith et al. vs. The Chronicle Publishing Company et al. and Samuel F. Miller, vs. A. R. Shepherd et al.	Appellants Appellants	On motion of Mr. George B. Cornhill, leave is hereby granted the Clerk he is to issue the mandate in this cases
764			

Proclamation being made the Court is adjourned until Monday, May 10th, at twelve o'clock

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Monday May 10th 1880

Pursuant to adjournment the Court met today at the Capitol

Present

The Honorable Morrison R. Waite — Chief Justice.

Nathan Clifford
Noah H. Swayne
Stephen J. Field
William Strong
Joseph P. Bradley
John M. Harlan
— Associate Justices.

John G. Nicolay Esquire, Marshal
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Attorney General Devens, it is ordered that James C. Davis Esquire, of Boston, State of Massachusetts, be admitted to practice as an attorney and counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Attorney General Devens, it is ordered that L. B. Caswell Esquire, of

Fort Atkinson, State of Wisconsin, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. H. H. Smith, it is ordered that John Whalan Esquire, of San Francisco, State of California, be admitted to practice as an attorney and counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. H. D. Daviage, it is ordered that William H. Henderson and H. S. Abbott Esquires, of Washington City, District of Columbia, be admitted to practice as attorneys and counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. R. C. Laughton, it is ordered that Francis L. Smith and Edmund Burke, Esquires, of Alexandria, State of Virginia, be admitted to practice as attorneys

and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. F. T. Chaney, it is ordered that Wm. C. Brann Esquire, of New Orleans, State of Louisiana, be admitted to practice as an attorney and counsellor of this Court, and he was sworn accordingly.

	The Wyoming National Bank,	In Error to the Supreme Court of Wyoming Territory.
176	vs. Pltf. in Error.	
	Thomas J. Dayton.	

This cause came on to be heard on the transcript of the record from the Supreme Court of Wyoming Territory, and was argued by counsel. On consideration whereof: It is now here ordered and adjudged by this Court, that the judgment of the said Supreme Court in this cause, be, and the same is hereby reversed with costs: And that this cause, be, and the same is hereby remanded to the said Supreme Court, with directions to enquire the judgment of the Court of origi-

nal jurisdiction to be set aside and a new trial granted, and for such further proceedings as may be in conformity with the opinion of this Court.

per Mr. Justice Harlan.

George E. Kirk,		In Error to the Su-
119	vs. Err. in Error.	preme Court of the
Charles C. Hamilton		District of Columbia
& Catharine Hamilton.		

This cause came on to be heard on the transcript of the record from the Supreme Court of the District of Columbia, and was argued by counsel. On consideration whereof: It is now here ordered and adjudged by this Court, that the judgment of the said Supreme Court in this cause, be, and the same is hereby affirmed with costs.

per Mr. Justice Harlan.

	The Brooklyn City and Newtown Railroad Co.	In Error to the Circuit Court of the United States for the Southern District of New York.
229	vs Pltf in Error.	
	The National Bank of the Republic of New York	

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of New York, and was argued by counsel. On consideration whereof it is now here ordered and adjudged by this Court, that the judgment of the said Circuit Court in this cause, &c, and the same is hereby affirmed with costs and interest, until paid, at the same rate per annum, that similar judgments bear in the Courts of the State of New York.

Per Mr. Justice Harlan.

Dissenting:
Mr. Justice Miller.

211

Ezra Wheeler, Thomas Saunders jr. Augustus Ireland and John H. Wheeler as Ezra Wheeler and Co.,	Appeal from the Circuit Court of the United States for the District of Louisiana.
vs.	
Appellants.	
The Factors and Traders Insurance Company, William A. Johnson, David A. Barrow, Administrator of Ferdinand W. Goodrich, deceased, and Joseph P. Alexander, Administrator of John H. Grim, dec'd	

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Louisiana, and was argued by counsel. On consideration whereof: It is now here ordered, adjudged and decreed by this Court, that the decree of the said Circuit Court in this cause, be, and the same is hereby reversed with costs: And that this cause, be, and the same is hereby remanded to the said Circuit Court, with instructions to enter a decree in conformity with the opinion of this Court.

	H. Huntington Knight,	In Error to the
238	vs.	Circuit Court of
	In Error	the United States
	Levi Stanistie (late Col.	for the Northern
	Collector of Internal Revenue)	District of New

York.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Northern District of New York, and was argued by counsel. On consideration whereof: It is now here ordered and adjudged by this Court, that the judgment of the said Circuit Court in this cause, be, and the same is hereby reversed with costs: And that this cause, be, and the same is hereby remanded to the said Circuit Court, with instructions to enter judgment in favor of the plaintiff for the amount of the penalties exacted from the plaintiff and Henrietta H. Knight, with interest and costs.

per Mr. Justice Bradley.

277

Harvey Kennedy, Executor of James O. Kennedy, deceased	Appeal from the Su-
vs. Appellant.	preme
John C. J. Russell, Robert	Court of
H. H. Leipold & Robert Purvis	the Dis
Commissioners of the Freedmans	trict of
Savings and Trust Company	Columbia.

This cause came on to be heard on the transcript of the record from the Supreme Court of the District of Columbia and was argued by counsel. On consideration whereof it is now here ordered adjudged and decreed by this Court, that the decree of the said Supreme Court in this cause, be, and the same is hereby affirmed with costs.

for Mr. Justice Bradley.

255

Emilie Mondor	In Error to the Circuit
vs. Pff. in Error.	Court of the United
The American Life	States for the Eastern
Insurance Company.	District of Pennsyl-
	vania.

This cause came on to be heard on the tran-

script of the record from the Circuit Court of the United States for the Eastern District of Pennsylvania, and was argued by counsel. On consideration whereof: It is now here ordered and adjudged by this Court, that the judgment of the said Circuit Court in this cause, &c, and the same is hereby reversed with costs: And that this cause, &c, and the same is hereby remanded to the said Circuit Court, with directions to award a new trial.

per Mr. Justice Strong.

The Mason Lumber Co. vs. Hix in Error. William Buehl.

In Error to the Circuit Court of the United States for the Eastern District of Michigan.

213

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Michigan, and was argued by counsel. On consideration whereof: It is now here ordered and adjudged by this Court, that the judgment of the said Circuit Court in this cause, &c, and

the same is hereby affirmed with costs and interest until paid, at the same rate per annum that similar judgments bear in the Courts of the State of Michigan.

per Mr. Justice Field.

The Mason Lumber Co.		In Error to the
24	vs.	Circuit Court
William Buehler	In Error	of the United
		States for the

Western District of Michigan

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Western District of Michigan, and was argued by counsel. On consideration whereof: It is now here ordered and adjudged by this Court, that the judgment of the said Circuit Court in this cause, be, and the same is hereby affirmed with costs and interest until paid, at the same rate per annum that similar judgments bear in the Courts of the State of Michigan.

per Mr. Justice Field.

1670	Malden B. Crampton, vs. Augustus Zabriskie, William H. Skeffington, Francis H. Vilmore and Stephen D. Harrison.	Appeal from the Circuit Court of the United States for the District of New Jersey.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of New Jersey, and was argued by counsel. On consideration whereof: It is now here ordered, adjudged and decreed by this Court, that the decree of the said Circuit Court in this cause, be, and the same is hereby affirmed with costs.

per Mr. justice Field.

285	Mathias Mohr and F. H. Holzhausen, vs. Anna A. Maniere.	In Error to the Circuit Court of the United States for the Eastern District of Wisconsin.

Monday May 11th 1886, continued

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Wisconsin, and was argued by counsel. On consideration whereof: It is now here ordered and adjudged by this Court, that the judgment of the said Circuit Court in this cause, be, and the same is hereby affirmed with costs.

per Mr. Justice Field.

John F. Brooks and Al-
fheus Hardy.

258 vs. Appellants.

The Burlington & Southwestern Railway Company, The Farmers Loan & Trust Company, Eber B. Ward, D. Sutton & Company, J. C. Adler, J. H. Barnes, J. H. Martin, O'Hara Brothers, J. S. Smyth and Wells, French & Company.

Appeal from the Circuit Court of the United States for the District of Iowa.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Iowa,

and was argued by counsel. On consideration whereof: It is now here ordered, adjudged and decreed by this Court, that the decree of the said Circuit Court in this cause, so far as the same relates to O'Hara Brothers and Wells Fiemen and Company, &c, and the same is hereby affirmed with costs and interest, until paid, at the same rate per annum that similar decrees bear in the Courts of the State of Iowa.

per Mr. Justice Miller

	Lewis H. Meyer and William Denniston, Trustees, Appellants.	Appeal from the Circuit Court of the United States for the District of Iowa.
263	vs.	
	Henry Eggert, Administrator of John Hornby, deceased.	

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Iowa, and was argued by counsel. On consideration whereof: It is now here ordered adjudged and decreed by this Court, that the decree of the said Circuit Court in this cause, be, and the same is hereby affirm-

sd with costs and interest, until paid, at the same rate per annum that similar decrees bear in the Courts of the State of Iowa

per Mr. Justice Miller.

	Baxter Whitney	In Error to the Cir-
281	vs.	cuit Court of the
	Charles E. Seymour	United States for
	Edward P. Ferry &	the Western Dis-
	Carlton L. Storrs.	trict of Michigan.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Western District of Michigan, and was argued by counsel

On consideration whereof: It is now here ordered and adjudged by this Court, that the judgment of the said Circuit Court in this cause, &c, and the same is hereby affirmed with costs.

per Mr. Justice Swayne.

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267 Sanford Baker, Appellant vs George P. Humphrey, Hiram L. Kurd, Charles A. Kurd & David Smith. | Appeal from the Circuit Court of the United States for the Eastern District of Michigan.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Michigan, and was argued by counsel. On consideration whereof: It is now here ordered, adjudged and decreed by this Court, that the decree of the said Circuit Court in this cause, &c, and the same is hereby reversed with costs: And that this cause, &c, and the same is hereby remanded to the said Circuit Court, with instructions to enter a decree, whereby it shall be required that the complainant Baker, deposit in the Clerk's Office for the use of the defendant George P. Humphrey, the sum of $25, and that Humphrey, thereupon, convey to Baker, the premises described in the bill, and that the deed contain a covenant against the grantors own acts and against the demands of all other persons claiming under him.

	The Steamship "Oceanic" of the Pacific Mail Steamship Company and William H. Seabury, claimants,	Appeal from the Supreme Court of the Territory of Washington.
266	vs.	Appellants.
	John D. Phelps, Survivor.	

This cause came on to be heard on the transcript of the record from the Supreme Court of Washington Territory, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged and decreed by this Court, that the decree of the said Supreme Court in this cause, be, and the same is hereby affirmed with costs and interest, until paid, at the same rate per annum that decrees bear in the Courts of the Territory of Washington.

per Mr. Justice Clifford.

	Charles Howard,	In Error to the Circuit Court of the United States for the Eastern District of Wisconsin.
285	vs.	Def. in Error
	The Milwaukee & St. Paul Railway Company et al.	

Monday May 11th 1880, continued

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Wisconsin, and was argued by counsel. On consideration whereof: It is now here ordered and adjudged by this Court; that the judgment of the said Circuit Court in this cause, &c, and the same is hereby affirmed with costs.

Per Mr. Justice Clifford.

The Nashville & Chattanooga Railroad Company,

115 vs. Appellant.

The United States.

Appeal from the Circuit Court of the United States for the Middle District of Tennessee.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Middle District of Tennessee, and was argued by counsel. On consideration whereof: It is now here ordered, adjudged and decreed by this Court, that the decree of the said Circuit Court in this cause, &c, and the same is hereby affirmed.

147	N. A. Knight, Pltf in Error vs Charles McLaughlin	In Error to the Supreme Court of the State of California

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of California, and was argued by counsel. On consideration whereof: It is now here ordered and adjudged by this Court, that the writ of error in this cause be, and the same is hereby dismissed with costs.

Per Mr. Chief Justice Waite

151	John B. Stone, John H. English, & W. Borland, vs The State of Mississippi ex rel George E. Harris, Attorney General.	In Error to the Supreme Court of the State of Mississippi.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Mississippi, and was argued by counsel. On consideration whereof: It is now here ordered and adjudged by

this Court, that the judgment of the said Supreme Court in this cause, be, and the same is hereby affirmed with costs.

per Mr. Chief Justice Waite.

	Dowling Embree,	Appeal from the
253	vs. Appellant.	Court of Claims.
	The United States.	

This cause came on to be heard on the transcript of the record from the Court of Claims, and was argued by counsel. On consideration whereof it is now here ordered and adjudged by this Court, that the judgment of the said Court of Claims in this cause, be, and the same is hereby affirmed.

per Mr. Chief Justice Waite.

	Lewis H. Meyer and	Appeal from
	William Dennison, Trustees,	the Circuit
262	vs. Appellants.	Court of the
	The Western Car Company.	United States
		for the District

of Iowa.

Monday May 11th 1891 continued

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Iowa, and was argued by counsel. On consideration whereof: It is now here ordered, adjudged and decreed by this Court, that the decree of the said Circuit Court in this cause, be, and the same is hereby affirmed with costs and interest until paid at the same rate per annum, that similar decrees bear in the Courts of the State of Iowa.

per Mr. Chief Justice Fuller.

	The First National Bank of Brunswick, Maine,	In Error to the Supreme Court of Dakota Territory.
269	vs.	
	The County of Yankton.	

This cause came on to be heard on the transcript of the record from the Supreme Court of Dakota Territory, and was argued by counsel. On consideration whereof: It is now here ordered and adjudged by this Court, that the judg-

ment of the said Supreme Court in this cause, be, and the same is hereby reversed with costs: And that this cause, be, and the same is hereby remanded to the said Supreme Court, with instructions to reverse the judgment of the District Court and direct a judgment for the plaintiff on the facts found for such amount as shall appear to be due on the coupons sued for.

per Mr Chief Justice Waite.

The Virginia Arlington Life Insurance Company,
vs. Plff in Error.
Nannie E. Morgan and her children, Minnie Bell Morgan, George K. Morgan, Lula T. Morgan and Ida C. Morgan, infants, who sue by their next friend Nannie E. Morgan

In Error to the Circuit Court of the United States for the Middle District of Alabama.

286

This cause came on to be heard on the transcript of the record from the Circuit

Court of the United States for the Middle District of Alabama, and was argued by counsel. On consideration whereof: It is now here ordered and adjudged by this Court, that the judgment of the said Circuit Court in this cause, be, and the same is hereby affirmed with costs, and five hundred dollars damages in addition to interest, until paid, at the same rate per annum that similar judgments bear in the Courts of the State of Alabama.

per Mr. Chief Justice Waite.

The Town of Menasha and The City of Menasha, Plffs in Error. vs. Rowland G. Hazard.

In Error to the Circuit Court of the United States for the Eastern District of Wisconsin.

281

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Wisconsin, and was argued by counsel. On consideration whereof:

It is now here ordered and adjudged by this Court, that the judgment of the said Circuit Court in this cause, be, and the same is hereby affirmed with costs and interest, until paid, at the same rate per annum, that similar judgments bear in the Courts of the State of Wisconsin.

per Mr Chief Justice Waite.

The Western Union Railroad Company,
vs. Plff in Error.
The United States of America.

In Error to the Circuit Court of the United States for the Eastern District of Wisconsin.

287

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Wisconsin, and was argued by counsel. On consideration whereof: It is now here ordered and adjudged by this Court, that the judgment of the said Circuit Court in this cause, be, and the same is hereby reversed:

And that this cause, &c, and the same is hereby remanded to the said Circuit Court, with instructions to enter a judgment against the Railroad Company for nine thousand, nine hundred and thirty-three dollars and seventy cents ($9,933.70) less one thousand and ninety-two dollars and sixteen cents ($1092.16) Equal to four thousand, eight hundred and forty one dollars and fifty-four cents ($4,841.54) and interest thereon at six per cent from March 1, 1872

per Mr. Chief Justice Waite.

1066 | Sidney F. Lee vs. The Connecticut Mutual Life Insurance Co. | In Error to the Circuit Court of the United States for the Northern District of Illinois

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Northern District of Illinois, and on the motion to dismiss which was argued by counsel — On consideration whereof: It is now here ordered and adjudged by this Court, that the such

of error in this cause, &c, and the same is hereby dismissed with costs.

per Mr. Chief Justice Waite

The South and North Alabama Railroad Co.,
22 vs. Plff. in Error.
The State of Alabama.

Ordered by the Court, that the petition for rehearing this cause, &c, and the same is hereby denied, and the opinion amended.

The American Cotton Tie Co.,
116 vs. Plff. in Error.
John A. Klein et al

It is ordered by the Court that the judgment of affirmance entered in this cause on the 26th of April, 1886, &c, and the same is hereby set aside, and the cause restored to its place on the docket for re-argument when reached in regular order.

H. S. Hunnicut et al,
227 vs. Plffs. in Error.
John D. Peyton et al legal reps. of Dalie Peyton, decd.

It is ordered by the Court, that the judgment of reversal en-

dered in this cause on the 26th of April, 1880, be and the same is hereby set aside and that the cause be set down for argument upon the following questions:

1st - How far under the decisions of the Courts of Texas has it become a rule of property in that State, that in controversies respecting private boundaries or the locations of grants of land, the declarations of deceased persons concerning particular facts not amounting to reputation, may be received as evidence -

2nd - Is the verdict which was returned by the jury sufficiently certain?

Printed arguments only will be received, and they must be filed on or before the first day of the next term.

Per Mr. Chief Justice Waite.

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916 The Ivanhoe Mining Co., Plff. in Error. vs. The Keystone Consolidated Mining Company.

On consideration of the motion to advance this cause: It is ordered that said motion be granted, and that the cause be assigned for argument on the second day of

the next term, immediately after the cases already assigned for that day.

per Mr. Chief Justice Waite.

1047	Addison C. Fletcher, vs Marshall B. Blake.	Appellant.	On consideration of the motion to advance this cause: It is ordered that said motion be granted, and that the cause be assigned for argument at the next term, immediately after No. 956.

per Mr. Chief Justice Waite.

956	John Miles, vs. Plff. in Error. The United States.		On consideration of the motion to advance this cause: It is ordered that said motion be granted, and that the cause be assigned for argument at the next term, immediately after No. 1047.

per Mr. Chief Justice Waite.

	Ex parte: In the matter of William H. Hoffman and Willis S. Hall	On consideration of the petition and motion filed in this
11	original	Petitioners

cause praying for a rule requiring the judges of the Circuit Court of the United States for the District of Indiana, to show cause why a writ of Mandamus should not issue, commanding them to set aside, annul and vacate the order of said Circuit Court, entered on the 30th day of March, A. D. 1881, in the case of William H. Hoffin and Willis S. Hibbet vs. Joseph I. Irwin, Jessie K. Thawson, Archibald F. Thompson and John H. Long assignees of William McEwen, a bankrupt: It is now here ordered that the said judges of the Circuit Court of the United States for the District of Indiana, show cause, if any they have, before this Court on or before the 11th day of October, A. D. 1881, why a writ of Mandamus should not issue to them in accordance with the prayer of the petitioners.

per Mr. Chief Justice Waite.

1132 The Florida Central R. R. Co. appellant
vs
J. Fred. Schulte et al.

1133 The Jacksonville, Pensacola & Mobile R. R. Co. appellant
vs.
J. Fred. Schulte et al.
and
The Western North Carolina R. R. Co.

1134 vs. appellant
Geo. T. Drew, Tow & Co. et al.

On consideration of the motions filed in these cases. It is ordered. 1st That the motion to vacate the order allowing the Western Division of the Western North Carolina R. R. Co. to prosecute appeal originally taken by the Western North Carolina R. R. Co., be, and the same is hereby postponed until the hearing of the cases upon their merits.

2nd That the motion to vacate and set aside the supersedeas bond filed by the Western North Carolina Railroad Company, be, and the same is hereby denied, and

3rd That the motion to vacate the consent approval of the bond of the Western Division

of the Western North Carolina Railroad Company, be, and the same is hereby denied.

per Mr. Chief Justice Waite.

Order

The Reporter having represented that owing to the number of decisions at the term, it will be impracticable to put the reports in one volume: It is now therefore ordered that he publish an additional volume in this year pursuant to section 681 of the Revised Statutes.

111

William G. Langford, Plff. in Error, vs. Charles F. Monteith.	It is ordered that the mandate in this case be withheld until the next term, to which time the further hearing of this petition for rehearing is continued. Leave is granted to file a brief in support of the petition at any time before the first day of the next term.

Order appointing Clerk

It is hereby ordered that James Hall McKennon be appointed Clerk of this Court in the place of Daniel Wesley Middleton, deceased, and that he forthwith take the oath of office and give bond conditioned according to law.

In this connection we cannot refrain from giving expression to our high regard for the personal and official character of Mr. Middleton. His hand writing first appears on the records of the Court under date of the seventh of February in the year one thousand, eight hundred and twenty five. From that day until his death he was without interruption actively engaged in the business of the office to which his successor has just been appointed, and even a whisper of complaint against him, in any particular, has never reached our ears. Three Chief Justices of the Court and eighteen Associate Justices have died since his service began. He was a most accomplished officer, courteous in manner, dignified in deportment, faithful to every

duty and never unmindful of the confidential relations he had with the Court. It is sincerely mourn his loss, both as an officer and a friend, and direct that this testimonial be entered on the records of the Court and a copy transmitted to his widow in token of our respect for the memory of him that is gone and our sympathy for his family in their affliction.

James Hall McKenney then appeared and took the oaths of office and gave bond which was approved and ordered to be entered on the minutes in the following words, viz: Know all men by these presents that we, James H. McKenney of Washington, District of Columbia, David Davis of Bloomington, State of Illinois, Enoch Totten, Jno. L. McPherson and Nathaniel Wilson of Washington, District of Columbia, are held and firmly bound unto the United States of America, in the penal sum of ten thousand dollars, lawful money of the United States, to be paid to the said United States or their certain attorney, to which payment

well and truly to be made, we bind ourselves, our, and each of our heirs, executors and administrators, jointly and severally, firmly by these presents.

Sealed with our seals and dated this 10th day of May, A. D. one thousand, eight hundred and eighty.

Whereas the above bounden James H. McKenney hath been appointed Clerk of the Supreme Court of the United States.

Now therefore the condition of the above obligation is such, that if he, the said James H. McKenney, shall faithfully discharge the duties of his said office and shall seasonably record the decrees, judgments and determinations of the said Court, then this obligation to be void, otherwise to remain in full force and virtue in law.

Signed, sealed and delivered in presence of Chas. D. Beall, Jas. L. Walker

Jas. H. McKenney, {Seal}
David Davis, {Seal}
Enoch Totten, {Seal}
Jno. L. McPherson {Seal}
Nathaniel Wilson, {Seal}

Approved May 10th 1880.-

By order of the Court,
M. R. Waite,
Chief Justice.

I, James H. McKenney, being appointed Clerk of the Supreme Court of the United States, do solemnly swear that I will truly and faithfully enter and record all the orders, decrees, judgments and proceedings of the said Court; and that I will faithfully and impartially discharge and perform all the duties of my said office, according to the best of my abilities and understanding. So help me God.

James H. McKenney.

Sworn and subscribed to before me, this tenth day of May, A.D. 1880.
M. R. Waite
Chief Justice U. States.

May 10th 1880

I, James H. McKenney, do solemnly swear that I have never voluntarily borne arms against the United States since I

have been a citizen thereof: that I have voluntarily given no aid, countenance, counsel, or encouragement to persons engaged in armed hostility thereto: that I have neither sought nor accepted, nor attempted to exercise the functions of any office whatever, under any authority or pretended authority, in hostility to the United States: that I have not yielded a voluntary support to any pretended government authority, power, or Constitution, within the United States, hostile or inimical thereto. And I do further swear that to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic: that I will bear true faith and allegiance to the same: that I take this obligation freely, without any mental reservation or purpose of evasion: And that I will, well and faithfully, discharge the duties of the office on which I am about to enter. So help me God—

James K. McKinney

Subscribed and sworn to before me, this

Monday, May 16th 1870, continued

tenth day of May, A.D. 1870

M. R. Waite

Chief Justice U. States.

Order appointing Deputy Clerk.

On the application of the Clerk: It is therefore ordered that Charles S. Beall, Esq, and he is hereby appointed a Deputy Clerk of this Court: in pursuance of Section 678, Revised Statutes; and that he forthwith take the oath of office.

I, Charles S. Beall, being appointed a Deputy Clerk of the Supreme Court of the United States, do solemnly swear that I will truly and faithfully enter and record all the orders, decrees, judgments and proceedings of the said Court and that I will faithfully and impartially discharge and perform all the duties of my said office according to the best of my abilities and understanding. So help me God.

Charles S. Beall.

Subscribed and sworn to before me, this

10th day of May, A. D. 1880

James H. McKenney
Clerk Supreme Court, U.S.

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998 The City of Opelika, Plff in Error. vs. Richard C. Daniel.

On motion of Mr. P. Phillips, it is ordered that the motion to dismiss in this cause, be, and the same is hereby continued until the next term.

1080 The U.S. ex rel. Thomas McBride, Plff in Error. vs. Carl Schurz, Secretary of the Interior.

On motion of Mr. J. K. Reddington, leave is hereby granted him to file brief in this cause thirty days before the beginning of the next term.

1167 Emanuel Hahn, Appellant. vs. The United States.

Mr. H. E. Paine of counsel for the appellant having stated that the appellant was prepared to file the record and docket this cause pur-

suant to the rules of this Court moved the Court to rescind the order entered herein on the 8th of April last, docketing and dismissing this appeal. On consideration whereof: It is now here ordered, that the order of the 8th of April, docketing and dismissing this appeal, be, and the same is hereby rescinded: And that the appellant have leave to file his record and docket his cause in conformity with the rules of this Court.

per Mr. Chief Justice Waite.

390

The New York Life Insurance Company, vs. Eliff in Error. Ellen Dutton.	In Error to the Circuit Court of the United States for the District of Indiana.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Indiana, and on the stipulation of counsel for the respective parties on file, and on motion of Mr. Fillmore Beall in behalf

of counsel. It is now here ordered and adjudged by this Court, that the writ of error in this cause, be, and the same is hereby dismissed with costs.

per Mr. Chief Justice Waite.

	Thomas J. Brown, Charles B. Brown, and Rosamond H. Brown, Executrix of Edmund C. Brown, deceased.		In Error to the Circuit Court of the United States for the Southern District of New York.
1181	vs.	Plffs. in Error.	
	Francisco Javier Montejo and Manuel de J. Montejo, as Montejo Brothers.		

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of New York, and on the stipulation of counsel for the respective parties on file and on motion of Mr. Fillmore Beall in behalf of counsel. It is now here ordered and adjudged by this Court, that the writ of error in this cause, be, and the same is hereby dismissed with Clerk's costs to be paid by the plaintiffs in error

1197

Daniel P. Holland,
vs. Eff. in Error
The State of Florida, Marcellus L. Stearns, Governor; Charles H. Foster, Treasurer, C. H. Cowgill, Comptroller, Dennis Egan, Register of Public Lands, Wm. Archer Cooke, Attorney General Trustees of the Internal Improvement fund of the State of Florida.

Mr. D. D. Hilliard having filed in open Court the following order, to wit:

"I, Charles H. Foster, Clerk of the Supreme Court of the State of Florida, in which said Court a final judgment was rendered on the 26th day of January, A. D. 1876, in a certain cause therein pending, wherein Daniel P. Holland was appellant, and the State of Florida, and Marcellus L. Stearns, Governor of the State of Florida, Charles H. Foster, Treasurer of the State of Florida, C. H. Cowgill, Comptroller of the State of Florida, Dennis Egan, Register of Public Lands of the State of Florida, William Archer Cooke, Attorney General of the State of Florida, the then trustees of the Internal

Improvement Fund of the State of Florida, are respondents, which judgment appears of record in said Court, do hereby certify that on the 10th day of July, A.D. 1877, a writ of error in favor of said N. P. Holland, from the Supreme Court of the United States of America, to said judgment of the said Supreme Court of Florida was sued out and allowed, said writ of error being returnable to said Supreme Court of the United States on the second Monday of October, A.D. 1877, all of which appears by the records and files in my office.

Witness my hand and the seal of said Supreme Court of Florida, on this, the 6th day of May A.D. 1880.

Charles H. Foster
Clerk of the Supreme Court
of the State of Florida, by
E. F. Holway, Deputy Clerk.

I, E. M. Randall, Chief Justice of the Supreme Court of Florida, do hereby certify that Charles H. Foster is Clerk of said Court and is now absent and that E. F. Holway, who signed the above certificate is duly appointed

Monday, May 10th 1880, continued

and acting Deputy of said Clerk. Tallahassee, Florida.

Edwin M. Randall
Ch. Justice Sup. Court"

May 6, 1880.

and having stated that the plaintiff in error had failed to file the record of said cause in this Court or in any way to prosecute said writ of error - Moved the Court, in pursuance of the 9th Rule, to have the writ of error in this cause docketed and dismissed - On consideration whereof: It is now here ordered by this Court, that the writ of error in this cause to the Supreme Court of the State of Florida, be, and the same is hereby docketed and dismissed with costs: And that this cause, be, and the same is hereby remanded to the said Supreme Court: to be proceeded in according to law and justice.

per Mr. Chief Justice Waite

Monday May 10th 1858, continued

	Albert Grant,	Mr. H. L. Dar-
1013	vs. Appellant.	idge moved the
	The Home Mutl Life Ins Co.	Court to rescind

the order, docket-ing and dismissing this cause and to recall the mandate, which was opposed by Mr. R. T. Merrick, and on his motion continued until the next term.

Order.

It is now here ordered by the Court, that all the cases on the docket not decided and all the other business of the term not disposed of by the Court, be, and the same are hereby continued to the next term of this Court.

Proclamation being made the Court is adjourned to the time and place appointed by law.

Minutes
of the
Supreme Court
of the
United States
October Term
—1880—

Monday, October 11th 1880.

At the Capitol of the United States, in the City of Washington and District of Columbia, being the present seat of the National Government of the United States, on the second Monday of October (being the eleventh day of the same month), in the year of our Lord one thousand, eight hundred and eighty, and of the Independence of the United States, the one hundred and fifth, the Supreme Court of the United States met agreeably to law.

Present:

The Honorable Morrison R. Waite, Chief-justice
Noah H. Swayne, Samuel F. Miller, William Strong, Joseph P. Bradley, John M. Harlan — Associate justices

John F. Nicolay Esquire Marshal
James H. McKenney, Clerk

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Phillips, it is ordered that Felix A. Reeve, Esquire, of

Knoxville, State of Tennessee, be admitted to practice as an attorney and counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Assistant Attorney General Smith, it is ordered that Edward L. Stevens Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court, and he was sworn accordingly.

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774 S. J. Commerford, appellant. vs. Virginia C. Thompson

Appeal from the Circuit Court of the United States for the District of Kentucky.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Kentucky, and on the authority of counsel for the appellant on file, and on motion of Mr. Solicitor General Phillips of counsel for the appellee: It is now here ordered, adjudged and decreed by this Court, that

this appeal, be, and the same is hereby dismissed with costs.

per Mr. Chief Justice Waite.

	The U.S. use'd. The Citizens Bank of Louisiana	Mr T. J. Durant of counsel for the plaintiff in error, filed and submitted to the consideration of the
139	vs. Plff. in Error	
	Jno. J. Knox, Comptroller of the Currency.	

Court, motion to advance this cause.

	The Mutual Benefit Life Insurance Company,	In Error to the Circuit Court of the United States for the Eastern District
132	vs. Plff. in Error	
	Laura A. Wright.	

of Missouri.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Missouri, and on the motion of Mr. A. S. Worthington of counsel for the plain-

diff in error: It is now here ordered and adjudged by this Court, that the writ of error in this cause, be, and the same is hereby dismissed with costs.

per Mr. Chief Justice Waite.

Alfred A. Cohen & Henry Gibbons	Mr. Assistant Attorney General Smith of counsel for the appellee, having
950 vs. Appellants.	filed in open Court
The United States.	

the following certificate, to wit:

"United States Circuit Court
District of California.

The United States Plaintiff

vs.

Wm. Crooks, J. D. Farwell, R. Simson, H. Gibbons, Alameda County, A. A. Cohen, Central Pacific Railroad Company, P. Sather, J. W. Valdez, H. H. Haseock, G. G. Briggs, A. Ford, Charles Meinecke, W. Klenpstrom, C. H. Stryburg, H. Hausmann, Charles Baum, Gottlieb Mueeke, H. A. Gildemeister, Edmund Janssen, and Frederick Roeding, T. A. Smith

Oakland Water Front Company, B. S. Alexander, B. S. Brooks, Caroline E. Chipman, Eli Corwin, John Crouse, C. H. Bradley, H. H. Carpentier, C. Eldridge, Mary A. Filch, E. Forge, J. C. Hayes, and John Caperton, J. G. Kellogg, Annis Merrill, G. H. Kendell, E. B. Mastick, Nathan Porter, Mrs. Julia Page, V. S. Stewart, H. M. Whitney

Defendants.

I, Lorenzo D. B. Sawyer, Clerk of the Circuit Court of the Ninth Judicial Circuit in and for the District of California do hereby certify that on the 11th day of February A. D. 1878, said Circuit Court made an order which was entered upon the Minutes thereof remanding the above entitled cause to the District Court of the Third Judicial District of the State of California in and for the County of Alameda where said cause was originally instituted. I further certify that on the second day of September, A. D. 1878, Alfred A. Cohen and Henry Gibbons, two of said defendants were by said Circuit Court granted an appeal to the Supreme Court of the United States from said order remanding said cause &c.

I further certify that said appellants on the 10th day of September A. D. 1878, filed in said Circuit Court a bond on appeal which said bond was on said day last named duly approved by Hon. Lorenzo Sawyer, U. S. Circuit Judge.

And I further certify that a Citation to the United States, Appellee, to appear in said Supreme Court on the second Monday of October, A. D. 1878, in due form, was on said 10th day of September A. D. 1878, made out, signed by Hon. Lorenzo Sawyer, U. S. Circuit Judge, and on the 11th day of September A. D. 1878, served upon Philip Teare, Esq'r, U. S. Attorney for California.

I further certify that no transcript on appeal in the above entitled suit has ever been made out by me.

Witness my hand and the seal of said Circuit Court this 10th day of May, A. D. 1880.

{ Seal }

L. S. B. Sawyer, Clerk
By J. F. O'Beirne, Deputy Clerk"

and having stated that the appellants

had altogether failed to file the record of said cause in this Court or in any way to prosecute said appeal, moved the Court, in pursuance of the 9th Rule, to have this appeal docketed and dismissed. On consideration whereof: It is now here ordered, adjudged and decreed by this Court, that this appeal from the Circuit Court of the United States for the District of California, be, and the same is hereby docketed and dismissed: And that this cause be and the same is hereby remanded to the said Circuit Court to be proceeded in according to law and justice.

per Mr. Chief Justice Waite.

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107 The U. S. ex rel. Thomas McBride, Plff. in Error. vs. Carl Schurz, Secretary of the Interior.

Ordered by the Court that the argument of this cause be, and the same is hereby postponed until Monday the 18th inst.

Monday October 11th 1880, continued.

685	Addison C. Fletcher, Appellant vs. Marshall B. Blake.	On motion of Mr. Solicitor General Phillips ordered that the argument of this cause be and the same is hereby postponed until November 9th

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752	M. & T. Dauphin, Appellant vs. D. M. Key, Postmaster General.	On motion of Mr. Attorney General Devens, ordered that the argument of this cause be, and the same is hereby postponed for the present.

The Chief Justice announced that the Court would commence the call of the docket, tomorrow, under the 26th Rule.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Tuesday October 12th 1880

Pursuant to adjournment the Court met today at the Capitol.

Present.

The Honorable Morrison R. Waite — Chief Justice
Noah H. Swayne
Samuel F. Miller
William Strong
Joseph P. Bradley
John M. Harlan — Associate Justice.

John G. Nicolay Esquire Marshal
James H. McKenney, Clerk.

Proclamation being made the Court is opened

On motion first made to the Court in this behalf by Hon. B. F. Butler, it is ordered that Peter Vanclief, Esquire of San Francisco, State of California, be admitted to practice as an attorney and counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. S. S. Henkle, it is ordered that George S. Prindle Esquire of Washington, District of Columbia, be admitted

to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Francis Miller, it is ordered that George Perkins Esquire, of Covington, State of Kentucky, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

637	The Ivanhoe Mining Co. vs. The Keystone Consolidated Mining Company.	Plff. in Error.	Mr. B. F. Butler submitted to the consideration of the Court

motion for leave to the State of California to intervene and be heard orally in the argument of this cause.

637	The Ivanhoe Mining Co. vs. The Keystone Consolidated Mining Company.	Plff. in Error	Ordered by the Court that the argument of

this cause, be, and the same is hereby postponed until Monday the 25th instant.

707	The U. S. ex rel Thomas McBride vs Carl Schurz, Secretary of the Interior.	Plff. in Error.	Ordered by the Court that the argument of this cause, be, and the same is hereby postponed until the Monday, the 25th inst.

716	N. B. Wells vs The Board of Supervisors of Pontotoc County	Plff. in Error.	This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. George Perkins of counsel for the plaintiff in error and by Mr. Van H. Manning of counsel for the defendant in error under the 20th rule. Leave being granted Mr. Perkins to file certain certified Exhibits in connection with his brief.

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667 The Florida Central R.R. Co. vs. J. Fred. Schutte et al
The Jacksonville Pensacola & Mobile R.R. Co. Appellant.

668 vs. J. Fred. Schutte et al. and The Western North Carolina R.R. Co. Appellant.

669 vs. George F. Drew Governor &c. et al. Appellant.

On motion of counsel, ordered that six hours be allowed to each side in the argument of these cases.

667 The Florida Central R.R. Co. vs. J. Fred. Schutte et al
The Jacksonville, Pensacola & Mobile R.R. Co. Appellant.

668 vs. J. Fred. Schutte et al and The Western North Carolina R.R. Co. Appellant.

669 vs. George F. Drew, Govr, &c. et al Appellant.

The argument of these cases was commenced by Mr. H. St. Maury of counsel for the appellant in No. 667, and continued by Mr James M. Baker

Tuesday October 12th 1880 continued

of counsel for the appellants in Nos. 667 & 668 and by Mr. Wayne MacVeagh of counsel for the appellees.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Wednesday October 13, 1880

Pursuant to adjournment the Court met to-day at the Capitol.

Present.

The Honorable Morrison R. Waite — Chief Justice
Noah H. Swayne — Associate Justices
Samuel F. Miller — Associate Justices
William Strong — Associate Justices
Joseph P. Bradley — Associate Justices
John M. Harlan — Associate Justices

John G. Nicolay Esquire, Marshal
James H. McKenney, Clerk

Proclamation being made the Court is opened

On motion first made to the Court in this behalf by Hon. George F. Edmunds, it is ordered that Albert H. Walker Esquire, of Hartford, State of Connecticut, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

Wednesday October 13th 1880 continued

5	Charles Morgan, Appellant. vs. The New Orleans, Mobile & Texas Railroad Company.	Appeal from the Circuit Court of the United States for the District of Louisiana.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Louisiana, and on motion of Mr. J. A. Campbell of counsel for the appellee: It is now here ordered, adjudged and decreed by this Court, that this appeal be and the same is hereby dismissed with costs.

per Mr. Chief Justice Waite

667 The Florida Central R. R. Co. vs. J. Fred. Schutte et al. Appellant.

668 The Jacksonville, Pensacola & Mobile Railroad Co. vs. J. Fred. Schutte et al. and The Western North Carolina R. R. Co. vs. Geo. F. Drew, Governor, &c. et al. Appellant.

669 Appellant.

in No. 668.

The argument of these cases was continued by Mr. Wayne MacVeagh of counsel for the appellees and by Mr. James Baker of counsel for the appellant

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Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Thursday October 14th 1880.

Pursuant to adjournment the Court met to-day at the Capitol -

Present -

The Honorable Morrison R. Waite — Chief Justice
Noah H. Swayne — Associate Justices
Samuel F. Miller — Associate Justices
William Strong — Associate Justices
Joseph P. Bradley — Associate Justices
John M. Harlan — Associate Justices

John G. Nicolay Esquire, Marshal
James H. McKenney, Clerk

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. P. Phillips, it is ordered that E. Howard McCaleb Esquire, of New Orleans, State of Louisiana, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. C. W. Horner, it is ordered that George W. Lane Esquire, of New Orleans, State of Louisiana, be admitted to practice

as an attorney and counsellor of this Court and he was sworn accordingly.

	The Cincinnati & Chicago Air Line R.R.Co.	On motion of Mr. W.H. Phillips in behalf of counsel, ordered
12	vs. Appellant.	that this cause
	James Pullan, Trustee &c.	lie, and the same is hereby passed for the present.

	The Florida Central R.R.Co.	The argument
667	vs. Appellant.	of these cases
	J. Fred Schutte et al	was continued by Mr.
	The Jacksonville, Pensacola & Mobile R.R.Co.	S. H. Phillips of counsel for the
668	vs. Appellant.	appellants in Nos. 667
	J. Fred Schutte et al	& 669, and by
	and	Mr. W. H.
	The Western North Carolina R.R.Co.	Carpenter of counsel
669	vs. Appellant.	
	Geo. T. Drew, Gov'r &c. et al.	

Thursday October 14th 1880, continued

for the appellees.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Friday October 15th 1880

Pursuant to adjournment the Court met today at the Capitol -

Present -

The Honorable Morrison R. Waite — Chief Justice
Noah H. Swayne — Associate Justices.
Samuel F. Miller — Associate Justices.
William Strong — Associate Justices.
Joseph P. Bradley — Associate Justices.
John M. Harlan — Associate Justices.
John G. Nicolay Esquire, Marshal
James H. McKenney, Clerk

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Hon. M. H. Carpenter, it is ordered that F. C. Somes Esquire, of Washington City, District of Columbia, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. H. Ashton, it is ordered that William D. Bateman, Es-

quire, of St Louis, State of Missouri, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. H. Jackson, it is ordered that Orland W. Aldrich Esquire, of Bloomington, Illinois, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Rodney Mason, it is ordered that Georg C. Butler Esquire, of Indianapolis, State of Indiana, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Hon. S. Shellabarger, it is ordered that David V. Burns and Augustus B. Young, Esquires, of Indianapolis, State of Indiana, be admitted to practice as attorneys and counsellors of this Court, and they were sworn

accordingly.

815	The United States,	Appellant,	vs.	Henry W. Hubbell
816	Henry W. Hubbell,	"	"	The United States
817	The United States	"	"	Henry W. Hubbell
818	Henry W. Hubbell	"	"	The United States
819	The United States	"	"	The Sun Mutl Ins. Co.
820	The Sun Mutl Ins Co	"	"	The United States.
821	The United States	"	"	The China Mutl Ins. Co.
822	The China Mutl Ins Co.	"	"	The United States
823	The United States	"	"	John C. Miller, Admr &c.
824	John C. Miller, Admr &c.	"	"	The United States
825	The United States	"	"	John L. Paulison Admr &c.
826	John L. Paulison Admr &c.	"	"	The United States.

Mr. Attorney General Devens filed and submitted to the consideration of the Court motion to advance these cases.

Friday October 15th 1880, continued

667 The Florida Central R. R. Co. Appellant
vs.
J. Fred. Schutte et al.

668 The Jacksonville, Pensacola & Mobile R. R. Co. Appellant
vs.
J. Fred. Schutte et al.
and
The Western North Carolina R. R. Co.

669 Appellant
vs.
J. F. Dunn, Governor &c. et al.

The argument of these cases was concluded by Mr. George F. Edmunds of counsel for the appellant in No. 667.

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692 John Miles Plff. in Error
vs.
The United States.

On motion of Mr. Attorney General Devens of counsel for the defendant in error, ordered that this cause be, and the same is hereby passed pursuant to section 7, rule 26.

George W. Patton, Joseph R. Shaver, Henry Brockerhoff, T. G. Huling, J. H. Huling, H. Brockerhoff, Charles McCafferty et al.
vs. Appellants.
William H. Edwards, Samuel Price & Allen T. Caperton.

Appeal from the District Court of the United States for the District of West Virginia.

This cause came on to be heard on the transcript of the record from the District Court of the United States for the District of West Virginia, and the appellants having been three times solemnly called by the Marshal to come into Court and prosecute their appeal and failing to appear: It is, thereupon, in pursuance of the 16th rule of this Court, and on the motion of Mr. J. Haldsworth Gordon of counsel for the appellees, now here ordered, adjudged and decreed by this Court that this cause, be, and the same is hereby dismissed with costs: And that this cause be, and the same is hereby remanded to the said District Court to be proceeded in according to

Friday October 15th 1880, continued

law and justice

per Mr. Chief Justice Waite.

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2 Daniel Hand
vs. Pff. in Error
Johnson Haygood
Comptr. General &c. et al.

This cause was submitted to the consideration of the Court on the record and printed arguments by Messrs. P. Phillips, J. B. Campbell, J. L. Cadwalader of counsel for the plaintiff in error and by Mr. D. T. Corbin for the defendants in error.

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3 Hetty H. Green and
Edward H. Green,
vs. Appellants.
William C. Gordon
George Howland Jr. and
Edward D. Mandell.

Appeal from the Circuit Court of the United States for the District of Massachusetts.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Massachusetts and on the authority of counsel for the appellants on file. It is now

1

here ordered, adjudged and decreed by this Court that this appeal be, and the same is hereby dismissed with costs.

per Mr. Chief Justice Waite.

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11 The Mobile & Ohio Rail road Company. vs. The State of Mississippi. | Pltf. in Error | In Error to the Supreme Court of the State of Mississippi

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Mississippi and on the authority of the counsel for the plaintiff in error on file: It is now here ordered, adjudged and decreed by this Court that the writ of error in this cause, be, and the same is hereby dismissed with costs.

per Mr. Chief Justice Waite.

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8 James Jiffkins et al. vs Addison Sweetar. | Appellants. | Ordered by the Court that this cause be and the same is here

day passed until the 25th inst. after the cases already assigned for that day.

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10 John N. Bunting, vs. Plff. in Error. The Board of Commissioners of Wake County.

Ordered by the Court that this cause be dismissed with costs unless otherwise disposed of on or before the 1st day of December next.

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11 James R. Buster vs. Plff. in Error Anthony H. Thomas, legal representative of J. B. Thomas, deceased.

This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. S. F. Miller of counsel for the plaintiff in error and by Mr. Frank Hereford for the defendant in error.

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13 The United States, Plaintiff, vs. Samuel Nichols

6 The United States, Plaintiff vs. Murray Stanley

9 The United States, Plaintiff vs. Errors Michl Ryan

Ordered by the Court that these cases be, and the same are hereby passed until the 25th instant after the cases already assigned for that day

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Proclamation being made the Court is adjourned until Monday next at twelve o'clock

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Monday October 18th 1880.

Pursuant to adjournment the Court met today at the Capitol—

Present:

The Honorable Morrison R Waite, Chief Justice
Noah H. Swayne
Samuel F. Miller
William Strong
Joseph P. Bradley
John M. Harlan
} Associate Justices.

John G. Nicolay Esquire, Marshal
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. John D. McPherson, it is ordered that Floyd B. Wilson Esquire, of Chicago, State of Illinois, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. H. C. Stone, it is ordered that Watson J. Newton Esquire, of Washington City, District of Columbia, be ad-

mitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

815	The United States,	Appellant,	vs	Henry W. Hubbell
816	Henry W. Hubbell,	"	"	The United States
817	The United States,	"	"	Henry W. Hubbell
818	Henry W. Hubbell	"	"	The United States
819	The United States	"	"	The Sun Mut. Ins. Co.
120	The Sun Mut. Ins. Co.	"	"	The United States
821	The United States	"	"	The China Mut. Ins. Co.
822	The China Mut. Ins. Co.	"	"	The United States
823	The United States	"	"	J. C. Miller Admr.
824	J. C. Miller Admr.	"	"	The United States
825	The United States	"	"	J. P. Paulison Admr.
826	J. P. Paulison Admr.	"	"	The United States

On consideration of the motion to advance these cases: It is ordered that said motion be granted and that said cases be assigned for argument on the first Monday in January, 1881

Monday October 18th 1880, continued

139	The U. S. ex rel. The Citizens Bank of Louisiana vs. John J. Knox Comptroller of the Currency.	Plff. in Error.

On consideration of the motion to advance this cause. It is ordered that said motion be, granted, and that said cause be assigned for argument at the foot of the day calendar for the first Monday in December next

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637	The Ivanhoe Mining Co. vs. The Keystone Consolidated Mining Company.	Plff. in Error.

It having been suggested that this case involves a question of great practical importance in which The United States, grantors of one of the parties, are directly interested on one side, and the State of California, the grantor of the other party, is interested on the other side, and that our decision will affect a large number of other cases, the Attorney General will be heard on that question in behalf of the United States and Mr. B. F. Butler in behalf of the State of California per Mr. Chief Justice Waite.

30 James F. Wood et al Plffs in Error. vs. Robert Long et al, Assignees &c. | On motion of Mr. W. Bakewell of counsel for the plaintiffs in error, ordered that this cause, be, and the same is hereby continued until the next term

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1767 The State ex rel. Morris Ranger, vs. The City of New Orleans Plff in Error. | This cause was submitted to the consideration of the Court on the record and printed brief by Mr. D. C. Labatt of counsel for the plaintiff in error under the 20th Rule.

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257 of Oct. T. 1849 Mark Young, vs. Powell W. Bradley et al Appellant. | Mr. Enoch Totten of counsel for the appellant filed and submitted to the consideration of the Court, petition for an order to the Supreme Court of the District of Columbia to grant leave to Mark Young to file a bill of review in said

cause in that Court.

Charles D. Williams & James D. Arnest 96 of C. Ct. 1877. vs Plffs. in Error Jason N. Bruffy, Admr &c.	Mr. Enoch Totten of counsel for the plffs. in error, by leave, filed and submitted to the

consideration of the Court petition for relief or such order as the Court may deem proper in the premises.

George Hearst 17 vs. Appellant Fanny B. Halligan Admx of Jas. Halligan, decd & James N. Inge	Mr. Fillmore Beall in behalf of counsel suggested the death of James N. Inge, one of the appellees in this

cause, and moved the Court for an order under the 15th Rule, to make the proper representatives parties. Whereupon it is now here ordered by this Court that unless the proper representatives of the said James N. Inge, deceased, as aforesaid, shall voluntarily become parties within the first ten days of the ensuing term of this Court, the appellant shall be entitled

Monday October 18th 1880, continued

to open the record and on hearing have the
cause reversed as to said James F. Joyce, if it be erroneous - Provided,
that a copy of this order shall be printed
in some newspaper at the seat of govern-
ment of general circulation, for three successive weeks at least
sixty days before the beginning of the term
of the Supreme Court next ensuing

per Mr. Chief Justice Waite.

	George Hearst	On motion of
17	vs. Appellant.	Mr. Fillmore
	Fanny B. Halligan,	Beall in behalf
	Admr &c.	of counsel, ordered
		that this cause
		be, and the same

is hereby continued until the next term.

	W. S. Hunnicutt et al	This cause was
28	vs Plffs. in Error.	submitted to
	John B. Peyton & Emily	the considera-
	F. Peyton, legal repre-	tion of the
	sentatives of Baile Peyton,	Court on print-
	deceased, et al.	ed briefs (per

order of May 10th 1880) by Mr. L. H. Goodrich of coun-

sel for the plaintiffs in error and by Mr P. Phillips and Mr. S. R. Fisher of counsel for the defendants in error

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915	Wm C. France et al vs. Plffs. in Error The State ex rel. Jackson L. Smith, Atty Gen'l.	The motion to dismiss this cause was submitted to the consideration of the Court on

printed arguments by Mr. Leverett Bell in support of the same and by Mr. C. H. Krum and Mr. W. C. Bateman in opposition thereto.

737	The St. Paul & Chicago Railway Co. vs. Plff. in Error Samuel McLean	The motion to dismiss this cause was submitted to the consideration of the Court on print-

ed arguments by Mr. D. McC. Porter, in support of the same and by Mr. C. H. Bangs in opposition thereto.

William H. Seward et al.		The motion to
240	vs. Appellants.	dismiss this
J. B. Comeau, Sheriff &c.		cause was sub-
		mitted to the

consideration of the Court on printed arguments by Mr. E. T. Merrick and Mr. S. H. Race, in support of the same, and by Mr. J. D. McPherson and Mr. Calderon Carlisle in opposition thereto.

Wm Dudley, Assignee &c.		On motion of
14	vs. Appellant	E. H. Krum of
J. G. Easton et al.		counsel for the

appellees, it is ordered that Jane E. Easton, Administratrix of the estate of Joseph G. Easton, deceased, be entered and made a party appellee in this cause in place of said Joseph G. Easton, deceased, as aforesaid with liberty to resist this appeal.

Wm Dudley, Assignee &c.		On motion of
14	vs. Appellant.	Mr. E. H. Krum
Jane E. Easton, Admx		of counsel for
&c. et al		the appellees,

ordered that this cause, be, and the same is hereby continued until the next term.

	The City of Opelika,	The motion to dis-
649	vs. Plff. in Error.	miss this cause was
	Richard C. Daniel	submitted to the con-

sideration of the Court on printed arguments by Mr. S. F. Rice in support of the same, and by Mr. John T. Morgan, in opposition thereto.

	The United States,	On motion of Mr. Ass-
16	vs Plff. in Error.	istant Attorney Gen-
	Reuel Hough et al	eral Smith, it is or-

dered that J. H. McDavitt and Lorenzo S. Lake, Executors of C. B. Church, deceased, be entered and made parties defendants in error in this cause, in place of said C. B. Church, deceased, as aforesaid, with liberty to resist this writ of error.

	The United States,	This cause was argued
16	vs Plff in Error.	by Mr. Asst Atty Gnl
	Reuel Hough et al	Smith of counsel

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for the plaintiff in error, and by Mr. P. Phillips & Mr. F. Hallett Phillips for the defendants in error.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Tuesday October 19th 1880

Pursuant to adjournment the Court met today at the Capital.

Present.

The Honorable Morrison R. Waite, Chief Justice
Noah H. Swayne
Samuel F. Miller
William Strong
Joseph P. Bradley
John M. Harlan
} Associate Justices.

John G. Nicolay Esquire, Marshal
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

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19 Thomas D. Pearce, Appellant.
vs.
Lewis J. Mulford et al.

This cause was argued by Mr. Henry Baldwin Jr. of counsel for the appellant, and by Mr. B. F. Lee of counsel for the appellees.

L. B. Childs & ot. P. Balch surviving partners of L. B. Childs & Company,	Appeal from the Circuit Court of the United States for the District of Kentucky.
20 vs. Appellants.	
The Maysville & Lexington Railroad Company et al	

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Kentucky, and it appearing to the Court, that this is the second term at which this cause has been called for argument and that neither party is now prepared to argue the same, it is considered by the Court that this cause should be dismissed at the costs of the appellants pursuant to the 19th Rule of this Court. Whereupon, It is now here ordered, adjudged and decreed by this Court that this cause, be, and the same is hereby, dismissed with costs: And that this cause, be, and the same is hereby remanded to the said Circuit

Court to be proceeded in according to law and justice.

per the Chief Justice Waite.

Augustus D. Juilliard, to the use of Charles Westerman	In Error to the Circuit Court of the United States for the Eastern District of Pennsylvania.
21 v.s. Affirmed on Error.	
Beekman Remington	

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Pennsylvania, and it appearing to the Court that this is the second term at which this case has been called for argument and that neither party is now prepared to argue the same, it is considered by the Court that this cause should be dismissed at the cost of the plaintiff in error, pursuant to the 19th Rule of this Court. Whereupon; It is now here ordered and adjudged by this Court that this cause, be, and the same is hereby dismissed with

costs. And that this cause be, and the same is hereby remanded to the said Circuit Court to be proceeded in according to law and justice.

per Mr. Chief Justice Taney.

The Houston & Great Northern Railroad Co. vs. Plff. in Error
22 S. W. Swenson.

In Error to the Circuit Court of the United States for the Western District of Texas.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Western District of Texas, and it appearing to the Court that this is the second term at which this case has been called for argument and that neither party is now prepared to argue the same, it is considered by the Court that this cause should be dismissed at the cost of the plaintiff in error, pursuant to the 19th Rule of

this Court. Whereupon, It is now here ordered and adjudged by this Court that this cause, be, and the same is hereby dismissed with costs: And that this cause, be, and the same is hereby remanded to the said Circuit Court to be proceeded in according to law and justice.

per Mr. Chief Justice Waite.

The Houston & Great Northern Railroad Co.	In Error to the Circuit Court of the United States for the Western District of Texas.
93 vs. Elf in Error	
S. M. Swenson	

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Western District of Texas, and it appearing to the Court that this is the second term at which this case has been called for argument and that neither party is now prepared to argue the same, it is considered by the Court that this cause should be dismissed at the cost

of the plaintiff in error, pursuant to the 19th Rule of this Court. Whereupon, It is now here ordered and adjudged by this Court that this cause, be, and the same is hereby dismissed with costs: And that this cause, be, and the same is hereby remanded to the said Circuit Court to be proceeded in according to law and justice.

per Mr. Chief Justice Waite.

Edward H. Wilson,		In Error to the
24 vs.	Plff. in Error.	Supreme Court
Charles R. Stone and		of the State of
Mary A. Danforth		Georgia
as Executor & Execu-		
trix of Thos. S. Metcalf.		

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Georgia, and it appearing to the Court that this is the second term at which this case has been called for argument and that neither party is now prepared

to argue the same, it is considered by the Court that this cause should be dismissed at the cost of the plaintiff in error pursuant to the 19th Rule of this Court. Whereupon, It is now here ordered and adjudged by this Court that this cause, be, and the same is hereby dismissed with costs: And that this cause, be, and the same is hereby remanded to the said Supreme Court to be proceeded in according to law and justice

per Mr. Chief Justice Waite.

	Richard A. Tilghman		Ordered by the Court that this case be, and the same is hereby passed and assigned for argument on the 25th instant after the cases already assigned for that day
25	vs.	Appellant.	
	William Proctor et al		

	Richard A. Tilghman		On motion of Mr. George Harding of counsel for the appellant,
25	vs.	Appellant.	
	William Proctor et al		

ordered by the Court that one hour additional time be allowed each side in the argument of this case.

	Alfred Shaw,	This cause was
26	vs. Plff. in Error	argued by Mr. J.
	N. W. Casey Receiver &c.	S. Whitaker of
		counsel for the

plaintiff in error, and submitted on printed argument by Mr. J. D. Rouse and Mr. Wm Grant, of counsel for the defendant in error.

	The American Cotton Tie	Ordered by
	Company,	the Court
27	vs. Plff. in Error	that this
	John A. Klein et al	cause be, and
		the same is

hereby passed until tomorrow.

Tuesday October 19th 1880, continued

The New Orleans, Mobile & Texas R.R.Co.
32 vs. Plff. in Error.
The State of Mississippi.

The argument of this cause was commenced by Mr. Thomas L. Payne of counsel for the plaintiff in error.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Wednesday October 20th 1880

Pursuant to adjournment the Court met today at the Capitol -

Present -

The Honorable Morrison R. Waite	Chief Justice
Noah H. Swayne	Associate Justices
Samuel F. Miller	
William Strong	
Joseph P. Bradley	
John M. Harlan	
John G. Nicolay Esquire	Marshal
James H. McKenney,	Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr Enoch Totten it is ordered that Frank P. Browning Esquire, of Prince George County, State of Maryland, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. M. Wilson

it is ordered that George C. King Esquire of Auburn, State of Maine, and William G. Dunn Esquire, of Evanston, Wyoming Territory, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. W. G. Henderson, it is ordered that C. H. Patton Esquire, of Mt. Vernon, State of Illinois, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

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310 Benjamin H. Micon et al. Appellants.
vs.
The First National Bank of Montgomery.

Mr. W. H. Phillips suggested the death of Clara E. Boykin, one of the appellants in this cause, and moved the Court for leave to enter the appearance of Benjamin M. Boykin and Francis M. Boykin, by their guardian Francis S. Boykin, as appellants in this cause. Thereupon, it is ordered that